

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Regulation 9 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 (“the 2011 Regulations”)

Chamber Ref: FTS/HPC/PR/25/2130

Re: Property at 11 Ogilvie Place, Bridge of Allan, FK9 4TE (“the Property”)

Parties:

Mr Hector MacLeod, Mrs Rongrong MacLeod, 87 Chattan Avenue, Easter Cornton, Stirling, FK9 5RF (“the Applicants”)

Andrew Taylor, Ms Elizabeth Hanna Burtney, PRESENT ADDRESS UNKNOWN (“the Respondents”)

Tribunal Members:

Steven Quither (Legal Member)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) REFUSES the application for lack of competency.

BACKGROUND

1. This is an application under Regulation 9 of the 2011 Regulations and Rule 103 of the First-Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017, dated 9 and lodged on 19 May, both 2025, in respect of a stated failure by the Respondents to lodge a deposit in terms of the 2011 Regulations.
2. The application arises out of a Short Assured Tenancy between the parties constituted by Missives of Let dated 17 and 18 April, both 2007, in respect of the Property, commencing on 19 June 2007, at a rent of £750 per month and in terms of which he had at the time or previously paid a deposit of £1087-50.

3. 2 associated cases under Tribunal references and PR/25/2253 and PR/25/3193 were considered by the Tribunal along with this case at the Case Management Discussion (“CMD”) hereinafter referred to.
4. After requests for further information and clarification from the Tribunal dated 20, 21, 28 and 29 May and 5 June were answered by the Applicants by correspondence received by the Tribunal on or about 27 May and dated 2 and 10 June, the Tribunal accepted the application by Notice of Acceptance of 11 June and a CMD was duly fixed for 14 November, all 2025.
5. Prior to the CMD, preliminary consideration of the supporting documentation for this application confirmed that, as part of the correspondence referred to in the preceding paragraph, there was available to the Tribunal a report (undated) from Fox Investigations, Glasgow, detailing unsuccessful attempts made by them to trace the Respondents. This led to details of this case being placed on the Tribunal’s Service by Advertisement page on 14 October 2025, per Tribunal Certificate of Advertisement produced for the CMD.

CASE MANAGEMENT DISCUSSION on 14 NOVEMBER 2025

6. The CMD took place by teleconference and duly commenced shortly after 10am, with only the Applicants in attendance.
7. Mr MacLeod advised and confirmed, in respect of this application:--
He understood the Respondents were under a duty to place his deposit into an approved tenancy deposit scheme and had failed to do.
8. The Tribunal advised Mr MacLeod that the 2011 Regulations had come into force on 7 March 2011 and were not, it understood, retrospective. He did not have any authority to contend otherwise.
9. In these circumstance, the Tribunal advised Mr MacLeod that it did not consider his application could proceed, since his deposit had been paid prior to the 2011 Regulations coming into force, which he accepted.

REASONS FOR DECISION

10. The Tribunal was not satisfied that the remedy sought by the Applicants was competently open to them, since their deposit had been paid before the 2011 Regulations came into force and accordingly did not apply to their deposit. Accordingly, the application fell to be refused.

DECISION

11. To refuse the application.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

SR QUITHER

14 NOVEMBER 2025

Legal Member/Chair

Date