



**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 Regulations”)**

**Chamber Ref: FTS/HPC/PR/24/5635**

**Re: Property at Attic Flat Left 100 Victoria Road, Torry, Aberdeen, AB11 9DU (“the Property”)**

**Parties:**

**Miss Hannah Ishbel Walker, (“the Applicant”)**

**Mr Antti Ong, 100 Victoria Road, Aberdeen, AB11 9DU (“the Respondent”)**

**Tribunal Members:**

**Ms H Forbes (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in favour of the Applicant in the sum of £1000.**

**Background**

1. This is a Rule 103 application. The Applicant is seeking an order for payment in respect of the Respondent’s failure to lodge a tenancy deposit of £500 in an approved tenancy deposit scheme. The Applicant lodged a copy of a private residential tenancy agreement between the parties, which commenced on 22<sup>nd</sup> March and ended on 11<sup>th</sup> September 2024, a bank statement showing payment of the deposit to the Respondent on 19<sup>th</sup> March 2024, correspondence between the parties, and approved tenancy deposit scheme emails.
2. A Case Management Discussion (“CMD”) took place on 17<sup>th</sup> June 2025. The Tribunal substituted the Respondent, as the application had originally been made against a dissolved company. The CMD was adjourned for notice to be given to the Respondent.
3. Service of the application and notification of a CMD was made upon the Respondent by Sheriff Officer on 24<sup>th</sup> October 2025.

## **The Case Management Discussion**

4. A CMD took place by telephone conference on 10<sup>th</sup> December 2025. The Applicant was in attendance. The start of the CMD was delayed to allow the Respondent to join. The Respondent was not in attendance.
5. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondent.
6. The Applicant explained that she had been a tenant of the Respondent for just short of six months. She discovered after the tenancy ended that the Respondent had not lodged her deposit with an approved tenancy deposit scheme. It was the Applicant's position that the Respondent was aware she had a disability and was vulnerable, and that he took advantage of her. The Applicant said the Respondent has been pulled up for breaches before, but the applications have not gone through due to timing and dates. The Applicant said the failure put her under tremendous stress, financially and mentally, and she was forced to make the application while in hospital. The Applicant said the deposit of a tenant of another property was not protected. The Applicant said the Respondent had not returned her tenancy deposit, and she was still considering making a Rule 111 application in that regard. The Respondent had mentioned damage to the Property during social media exchanges about the tenancy deposit, but the Applicant said the damage occurred after she left the Property.
7. There was some discussion as to whether the Respondent ought to be named as Antti or Andri Ong. The Applicant said she had only been aware of Antti Ong, and he was her landlord. The Tribunal decided it would not be appropriate to include Andri Ong, as it is not clear whether these names belong to the same person or two different people.
8. After some discussion regarding the decision UTS/AP/19/0020, mentioned further below, the Applicant said she was satisfied to leave the penalty to the discretion of the Tribunal, however, she felt this was a serious case.

## **Findings in Fact and Law**

9.
  - (i) The parties entered into a private residential tenancy agreement in respect of the Property that commenced on 22<sup>nd</sup> March and ended on 11<sup>th</sup> September 2024.
  - (ii) A tenancy deposit of £500 was paid to the Respondent by the Applicant at the commencement of the tenancy.

- (iii) The deposit was not lodged with an approved tenancy deposit scheme within 30 days of the commencement of the tenancy.
- (iv) The Respondent has breached Regulation 3 by failing to pay the deposit into an approved tenancy deposit scheme timeously.

## Reasons for Decision

10. The Regulations were put in place to ensure compliance with the tenancy deposit scheme and to provide the benefit of dispute resolution for parties. The Tribunal considers that its discretion in making an award requires to be exercised in the manner set out in the case *Jenson v Fappiano (Sheriff Court (Lothian and Borders) (Edinburgh) 28 January 2015)* by ensuring that it is fair and just, proportionate and informed by taking into account the particular circumstances of the case. The Tribunal must consider the facts of each case appropriately.
11. The Tribunal took guidance from the decision of the Upper Tribunal UTS/AP/19/0020 which states: '*Cases at the most serious end of the scale might involve: repeated breaches against a number of tenants; fraudulent intention; deliberate or reckless failure to observe responsibilities; denial of fault; very high financial sums involved; actual losses caused to the tenant, or other hypotheticals.*'
12. The Tribunal considered this to be a serious matter, although not one at the most serious end of the scale. The Applicant's deposit was not lodged with an approved tenancy deposit scheme as required by Regulation 3, and remained unprotected for the duration of the tenancy. This deprived the parties of the opportunity for adjudication regarding any alleged damage to the Property.
13. The Respondent chose not to participate in the CMD and made no representations. The Tribunal took into account that the Respondent appears to let more than one property and has been doing so for some time. It would appear that the Respondent is an experienced landlord, and no excuse or mitigating circumstances have been given for the Respondent's failure. The Tribunal considered that the Respondent ought to have had proper procedures in place to ensure compliance with the obligation to lodge the tenancy deposit. The Applicant was entitled to have confidence that the Respondent would comply with their duties as a landlord.
14. The Tribunal was unable to make any findings that the Respondent was a serial offender in this regard, as, although there have been other Rule 103 applications made to the Tribunal by other tenants, they have not been accepted for various reasons.
15. Taking all the circumstances into account, the Tribunal decided it would be fair and just to award a sum of £1000 to the Applicant, which equates to two times the deposit.

## **Decision**

16. The Tribunal grants an order against the Respondent for payment to the Applicant of the sum of £1000 in terms of Regulation 10(a) of The Tenancy Deposit Schemes (Scotland) Regulations 2011.

## **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.**

**Helen Forbes**

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**Legal Member/Chair**

**10<sup>th</sup> December 2025**  
**Date**