



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Regulation 10 of The Tenancy Deposit Schemes (Scotland) Regulations 2011

Chamber Ref: FTS/HPC/PR/25/1543

Re: Property at 1/3, 32 DEANSTON DRIVE, GLASGOW, G41 3AD ("the Property")

Parties:

Mr Cory Stone, 1/2 77 Barrland Street, Glasgow, G41 1RH ("the Applicant")

Mrs Nighat Aslam, 1st Lets, 2 Calder Street, Glasgow, G42 7RT ("the Respondent")

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision (in absence of the Respondent)

At the Case Management Discussion ("CMD"), which took place by telephone conference on 22 January 2026, the Applicant was present. The Respondent was neither present nor represented.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules") had been satisfied relative to the Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that:-

Background

A CMD had previously taken place on 15 August 2025. The Notes of that CMD are referred to and reflect detailed discussions with the Applicant at the hearing.

That CMD was adjourned for the reasons set out in the CMD Notes namely for the Tribunal to:-

".....issue a formal Direction requiring the Respondent to lodge her submissions direct with the Tribunal or, alternatively, requesting the Respondent's letting agent to lodge submissions on her behalf, together with a signed mandate from the Respondent authorising them in this regard. if no submissions were lodged within the relevant

time limit, the Tribunal would likely proceed to determine the application on the basis of the information presently before it, which, on the face of it, indicates that there has been a breach of the tenancy deposit regulations by the Respondent, in respect of which an award of compensation should be made."

A Direction in appropriate terms dated 15 September 2025 was issued by the Tribunal to the Respondent on 11 September 2025. There has been no response thereto by or on behalf of the Respondent.

The CMD

At the CMD the Tribunal intimated to the Applicant that, in the absence of any response to the Direction by the Respondent and in the absence of any appearance by or on behalf of the Respondent the Tribunal would proceed to determine the application on the information before it. The Applicant asked the Tribunal to treat the Respondent's failure to comply with the Tenancy Deposit Schemes (Scotland) Regulations 2011 as a serious matter and make an award at the highest end of the scale of penalties available to it.

Findings in Fact

The Tribunal made the following findings in fact:-

- i. The Respondent previously leased the Property to the Applicant in terms of a Private Residential Tenancy Agreement ("the PRT").
- ii. The PRT was oral.
- iii. The PRT commenced on 21 January 2022.
- iv. Prior to the start of the PRT in January 2024 the Applicant paid to the Respondent per her letting agents the deposit payable in terms of the PRT, namely £750.
- v. The Respondent sold the Property to Mr Ciaran Bradley in December 2024.
- vi. Mr Bradley lodged the deposit of £750 into an approved scheme in December 2024.
- vii. The Applicant vacated the Property on or around 8 February 2025.
- viii. The Applicant has recovered the deposit in full.
- ix. At no point before or during the PRT did the Respondent pay the deposit into an approved scheme as required in terms of Regulation 3 of the Regulations.
- x. The Respondent is in breach of the Regulations.
- xi. That breach is serious.
- xii. The Respondent is a commercial landlord.
- xiii. The Respondent has provided no explanation or mitigation for her failure to comply with the Regulations.

Reasons for Decision

The Tribunal takes a landlord's failure to comply with the Regulations seriously.

Regulation 3 of the Regulations states:-

*"(1)A landlord who has received a tenancy deposit in connection with a relevant tenancy must, within 30 working days of the beginning of the tenancy –
(a) pay the deposit to the scheme administrator of an approved scheme;"*

Regulation 10 of the Regulations states:-

"If satisfied that the landlord did not comply with any duty in regulation 3 the First-tier Tribunal -

(a) must order the landlord to pay the tenant an amount not exceeding three times the amount of the tenancy deposit;"

The Respondent previously leased the Property to the Applicant in terms of the PRT.

The deposit paid by the Applicant to the Respondent in terms of the PRT £750.

The PRT is a relevant tenancy under the Regulations.

The PRT ended on 8 February 2025. This application is made timeously.

The deposit of £750 was not lodged with the scheme administrator of an approved scheme at any time by the Respondent all as required in terms of Regulation 3 of the Regulations. The Property was sold to Mr Ciaran Bradley in December 2024 when he lodged the deposit into an approved scheme.

The deposit was unprotected from 21 January 2022 to December 2024. A sanction is therefore payable by the Respondent to the Applicant in terms of Regulation 10 of the Regulations.

The Regulations require a landlord to lodge a tenancy deposit with an approved scheme within a period of 30 working days from the beginning of the tenancy. The deposit was unprotected for approximately 34 months, a significant period of time.

The Respondent did not participate in these proceedings to explain her failure to comply with the Regulations or provide any mitigatory explanation.

In determining the amount payable by the Respondent to the Applicant the Tribunal took into account the following:-

- i. That, having regard to the requirement to lodge the deposit in an approved scheme within 30 working days of the beginning of the tenancy, the deposit was unprotected for a period of approximately 34 months.
- ii. The Respondent is a commercial landlord and ought to have been familiar with the Regulations and complied with them.
- iii. The deposit was ultimately lodged into an approved scheme by Mr Bradley, not the Respondent.
- iv. The Respondent has not provided any explanation or mitigations for her failure to comply with the Regulations and has not participated in these proceedings.

In all the circumstances the Tribunal considered the failure to pay the deposit into an approved scheme to be at the higher end of the scale of sanctions available to it.

The Tribunal therefore determined that, having regard to the foregoing, the Respondent must pay to the Applicant a sum of £2,250 by way of a penalty for the failure to comply with the Regulations, being three times the deposit. Such a penalty is proportionate, fair and just in the circumstances.

Decision

The Respondent is ordered to pay to the Applicant a sum of £2,250.

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.



22/01/26

Legal Member/Chair

Date