



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/25/0981

Re: Property at FLAT 21, 9 CEDAR COURT, GLASGOW, G20 7NT (“the Property”)

Parties:

Mr Abdul Munim, Flat 2/2, 12 Dyke Street, Baillieston, Glasgow, G69 6DX (“the Applicant”)

Mr Jamal Boutoubane, UNKNOWN, UNKNOWN (“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 £600.

Background

1. This is a Rule 103 application. The Applicant is seeking payment in respect of the Respondent’s failure to lodge a tenancy deposit of £300 in an approved tenancy deposit scheme, paid by the Applicant to the Respondent on 1st March 2023. The Applicant indicated that there was no tenancy agreement, but a private residential tenancy was entered into between the parties which commenced on 1st March 2023 and ended on or around 28th February 2025 with a monthly rent of £550. The Applicant lodged a receipt from the Respondent confirming receipt of the tenancy deposit and screenshots of communications between himself and the Respondent’s agent, Mr Ahmed Boutabane.
2. Notification of a Case Management Discussion was made upon the Applicant by letter dated 24th September 2025.
3. Notification of a Case Management Discussion and service of the application was made by International Post upon the Respondent at an address in Saudi

Arabia by letter dated 24th September 2025. On the date of the Case Management Discussion, it was discovered that the item of mail was still in transit.

4. A Case Management Discussion (“CMD”) was scheduled to take place on 4th November 2025. Neither party was in attendance. The Tribunal Clerk attempted to call the Applicant with no success. The Tribunal decided to issue a Direction to ascertain whether the Applicant intended to continue with the application, and if so, ordering the Applicant to lodge evidence from the three approved tenancy deposit schemes to show the tenancy deposit was not lodged with any of the schemes. The Applicant was also advised that he may wish to make an application for Service by Advertisement.
5. On or around 6th November 2025, the mail sent to the Respondent at the Saudi Arabia address was returned to the Housing and Property Chamber as undelivered.
6. By email dated 10th December 2025, the Applicant responded to the Direction stating that he intended to continue with the application. The Applicant lodged the required evidence from the three tenancy deposit schemes. The Applicant lodged an application for Service by Advertisement, which was granted.
7. The Tribunal attempted service of the papers upon the Respondent by Sheriff Officer at a Glasgow address ostensibly associated with the Respondent without success.
8. The details of the application were advertised on the Service by Advertisement page of the website of the Tribunal from 16th January to 18th February 2026.

The Case Management Discussion

9. A CMD took place by telephone conference on 18th February 2026. The Applicant was in attendance. The Respondent was not in attendance.
10. 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.
11. The Applicant said he understood the Respondent to have a few properties for let in Glasgow. There were four rooms let individually in the Property while the Applicant resided there. One of the tenants had been there for four to five years. The other tenants had been there for less than six months. The Applicant said another tenant had indicated to the Applicant that he believed his tenancy deposit was unprotected.
12. The Applicant submitted that the Tribunal should consider awarding the maximum possible amount of penalty, given the length of time for which the

deposit was unprotected and the fact that the Respondent has not cooperated at all.

Findings in Fact and Law

13.
 - (i) The parties entered into an unwritten private residential tenancy in respect of the Property that commenced 1st March 2023 and ended on or around 28th February 2025.
 - (ii) A tenancy deposit of £300 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

14. 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.
15. 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.*'
16. 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.
17. The Tribunal had limited information on the Respondent's circumstances; however, it was clear that the Respondent is not an inexperienced landlord, as he let four rooms within the Property and may have had other properties to let. 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.

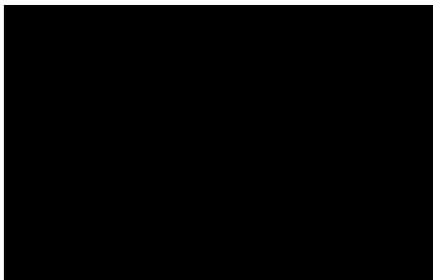
18. Taking all the circumstances into account, the Tribunal decided it would be fair and just to award a sum of £600 to the Applicant, which equates to two times the deposit.

Decision

19. The Tribunal grants an order against the Respondent for payment to the Applicant of the sum of £600 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.



18th February 2026
Date