



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

**Chamber Ref: FTS/HPC/PR/25/2207**

**Re: Property at 35 Bishopston Circle, Portlethen, Aberdeenshire, AB12 4XY (“the Property”)**

**Parties:**

**Mr Gary McKinley, Miss Amber Nicol, 56 Borlaug Circuit, Baldivis, Western Australia, 6171, Australia (“the Applicant”)**

**Miss Anna Natalia Brzozowska, Mr Chukwuemeka Ejoh, UNKNOWN, UNKNOWN (“the Respondent”)**

**Tribunal Members:**

**Richard Mill (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order be granted against the respondents in the sum of one hundred pounds (£100)**

Introduction

This is an application under Rule 103 and Regulation 9 of the Tenancy Deposit Schemes (Scotland) Regulations 2011. The application and intimation of the Case Management Discussion (CMD) was served upon the respondents’ nominated agent, Mr Seun Oguntodu of Vaniah Ltd, by Sheriff Officers on 8 January 2026.

The CMD took place by teleconference on 13 February 2026 at 10.00 am. The applicants did not attend. The respondents were represented by Mr Seun Oguntodu of Vaniah Ltd. It was not in the interests of justice to delay determination of the application as the relevant facts were clear and unchallenged.

Findings and Reasons

The property is 35 Bishopston Circle, Portlethen, Aberdeenshire AB12 4XY. The applicants are Mr Gary McKinley and Miss Amber Nicol who are the former tenants. The respondents are Mr Chukwuemeka Ejoh and Miss Anna Natalia Brzozowska who are the former landlords. They are the registered heritable proprietors.

The applicants communicated with Seun Oguntodu, of Vaniah Ltd in respect of the arrangements to lease the property. The parties entered into a private residential tenancy in respect of the property. The written agreement states that the tenancy commenced on 27 September 2019 though both parties acknowledge that the lease commenced on or about 21 September 2019 at the request of the applicants following the lease being signed. The rent was £950 per calendar month. The applicants paid £950 by way of deposit. The applicants vacated the property on 14 April 2025.

The respondents' agent lodged the deposit paid by the applicants into an approved scheme but did so late. The applicants have evidenced that the deposit was paid to SafeDeposits Scotland on 12 November 2019. This is beyond the 30 working day period required in terms of the Regulations.

Mr Oguntodu was candid in accepting that the regulations had been breached. The breach amounted to only a few days. 30 working days is the equivalent of 6 calendar weeks. The oversight was caused by the administrative focus on the written lease terms referring to start date of 27 September 2019 without taking account that the lease start date was then altered. There was also a failure to take account of the period for funds to clear with the deposit scheme. There was no ill will on the part of the respondents. They and their agent acted in good faith. The respondents were not prejudiced. The deposit was protected. There was a disputed sum of £361.25 at the end of the tenancy and the respondents' agent agreed to waive the proposed recovery due to the tenancy deposit breach as a gesture.

Regulation 10 requires the Tribunal to make an Order against the respondents to pay to the applicant an amount not exceeding three times the amount of the tenancy deposit. In all the circumstances, the Tribunal ordered that the respondents pay to the applicants £100. The breach in this application is at the very lowest end of the scale. This is fair and proportionate in all the circumstances. The public require to have confidence that residential landlords are operating fairly and that their deposits are secured in accordance with the law in force in Scotland.

## **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.**

# Richard Mill

13 February 2026

Legal Member/Chair

Date