



**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/25/3296

Re: Property at 5/5 Lauriston Park,, Edinburgh, EH3 9JA (“the Property”)

Parties:

Mr Zorab Anisse Zemman, 56 rue de l'Elveche, Marseille, 13002, France (“the Applicant”)

**Syozant Properties Sai Limited, 9 Horn Ln, Royaume-Uni, London, W3 9NJ
 (“the Respondent”)**

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for payment of the undernoted sum to the Applicant:

Sum of SEVEN HUNDRED AND NINETY POUNDS (£790) STERLING

• Background

1. An application was submitted to the Tribunal under Rule 103 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. Said application sought an order be made against the Respondent on the basis that the Respondent had failed to comply with his duties to lodge a deposit in a tenancy deposit scheme within 30 days of the start of the tenancy in terms of Regulation 3 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 (“the 2011 Regulations”).

- **The Case Management Discussion**

2. A Case Management Discussion (CMD) took place on 30 January 2026 by conference call. The Applicant was personally present and represented themselves. There was no appearance by or on behalf of the Respondent. The Tribunal was satisfied that a copy of the application had been served on the Respondent at their registered address by Sheriff Officer on 10 December 2025 and accordingly the CMD could therefore proceed in the absence of the Respondent.
3. The Applicant sought an order from the Tribunal on the basis that the Respondent had failed to comply with their duties to lodge a deposit in a tenancy deposit scheme within 30 days of the start of the tenancy in terms of Regulation 3 of the 2011 Regulations.
4. The Applicant submitted that they had entered into a tenancy with the Respondent which commenced 6 January 2025. A copy of the tenancy agreement was lodged with the application. The Applicant paid a £790 deposit to the Respondent at the start of the tenancy. The deposit was lodged in a tenancy deposit scheme on 27 April 2025. The deposit should have been lodged within 30 working days of the 6 January 2026, being 17 February 2026. The deposit had accordingly been lodged late. The Respondent had also failed to provide the prescribed information to the Applicant as required under Regulation 42. The Applicant submitted that the sum of £667 had been returned to them following the end of the tenancy, in terms of a determination by the tenancy deposit scheme that a deduction should be made.
5. The Applicant sought an award of up to 3 times the amount of the deposit in terms of Regulation 9 of the 2011 Regulations.

- **Findings in Fact**

6. The Tribunal made the following findings in fact:
 - (a) The parties entered into a private residential tenancy which commenced 6 January 2026;
 - (b) The Applicant paid a deposit of £790 to the Respondent;
 - (c) The Respondent failed to lodge the deposit of £790 into an approved tenancy deposit scheme within 30 working days, as required under Regulation 3 of the 2011 Regulations;
 - (d) The Respondent lodged the deposit into an approved tenancy deposit scheme late, on 27 April 2025;
 - (e) The Respondent failed to provide the statutory information to the Applicant under Regulation 42 of the Regulations;

- (f) The Tenancy ended on 31 May 2025;
- (g) The Applicant has had £667 of the deposit returned to them, following a determination by the tenancy deposit scheme that a deduction should be made.

- **Findings in Law**

7. The Tribunal made the following findings in law:

7.1 The Respondent was in breach of their duties under Regulation 3 of the 2011 Regulations, which states as follows:

3 (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; and*
- (b) provide the tenant with the information required under regulation 42.*

(2) The landlord must ensure that any tenancy deposit paid in connection with a relevant tenancy is held by an approved scheme from the date it is first paid to a tenancy deposit scheme under paragraph (1)(a) until it is repaid in accordance with these Regulations following the end of the tenancy.

(3) A “relevant tenancy” for the purposes of paragraphs (1) and (2) means any tenancy or occupancy arrangement—

- (a) in respect of which the landlord is a relevant person; and*
- (b) by virtue of which a house is occupied by an unconnected person,*
unless the use of the house is of a type described in section 83(6) (application for registration) of the 2004 Act.

(4) In this regulation, the expressions “relevant person” and “unconnected person” have the meanings conferred by section 83(8) of the 2004 Act.

7.2 The Respondent was in breach of their duties under Regulation 42 of the 2011 Regulations, which states as follows:

42.—(1) The landlord must provide the tenant with the information in paragraph (2) within the timescales specified in paragraph (3).

(2) The information is—

(a) confirmation of the amount of the tenancy deposit paid by the tenant and the date on which it was received by the landlord;

(b) the date on which the tenancy deposit was paid to the scheme administrator;

(c) the address of the property to which the tenancy deposit relates;

(d) a statement that the landlord is, or has applied to be, entered on the register maintained by the local authority under section 82 (registers) of the 2004 Act;

(e) the name and contact details of the scheme administrator of the tenancy deposit scheme to which the tenancy deposit was paid; and

(f) the circumstances in which all or part of the tenancy deposit may be retained at the end of the tenancy, with reference to the terms of the tenancy agreement.

(3) The information in paragraph (2) must be provided—

(a) where the tenancy deposit is paid in compliance with regulation 3(1), within the timescale set out in that regulation; or

(b) in any other case, within 30 working days of payment of the deposit to the tenancy deposit scheme.

7.3 The Tribunal must grant an order in terms of Regulation 10 which states as follows:

10. If satisfied that the landlord did not comply with any duty in regulation 3 the sheriff—

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

(b) may, as the sheriff considers appropriate in the circumstances of the application, order the landlord to—

(i) pay the tenancy deposit to an approved scheme; or

(ii) provide the tenant with the information required under regulation 42.

- Reasons for Decision

8. The Tribunal was satisfied that the Respondent was in breach of their duties under both Regulations 3 and 42 as aforesaid. The deposit should have been lodged in an approved scheme by 17 February 2025. It was lodged late, on 27

April 2025. They had failed to provide the tenant with the statutory prescribed information.

9. The 2011 Regulations were introduced to provide security for tenants in paying over deposits to landlords and to address an issue with some landlords taking tenancy deposits and then failing to pay them back where they were lawfully due at the end of the tenancy. The 2011 Regulations also provide that parties have access to an independent and impartial dispute resolution mechanism within a scheme to address any deposit deductions which require to be considered. By lodging the deposit into an approved tenancy deposit scheme late, the deposit was not protected for a period of 10 weeks.
10. The Tribunal considered that whilst the deposit had been lodged late, it was ultimately lodged, and which allowed the Applicant to utilise the tenancy deposit scheme's arbitration process when an application was ultimately made by the Respondent for a deduction from the deposit. The Tribunal did not consider that the tenant had been considerably prejudiced by the lateness of the lodging. However, the Respondent had indeed failed to adhere to their duties under Regulations 3 and 42, by lodging the deposit late and failing to provide the prescribed information. The deposit was at risk for that 10-week period. The Tribunal noted that the Property was owned by a professional landlord who should fully understand their legal obligations, and therefore considered that these breaches were still of sufficient seriousness to merit an award at the lower end of the scale and equivalent to the amount of the deposit paid.

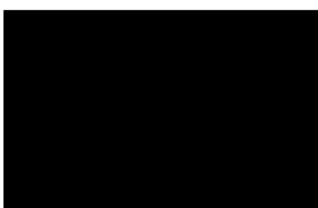
- Decision

11. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent for payment to the Applicant in the undernoted sum:

SEVEN HUNDRED AND NINETY POUNDS (£790) STERLING

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.



Fiona Watson
Legal Member/Chair

Date: 30 January 2026