



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014 in an application made under Regulation 9 of the Tenancy Deposit Schemes (Scotland) Regulations 2011

Chamber Ref: FTS/HPC/PR/25/0320

Re: Property at 7/9 Stewart Terrace, Edinburgh, EH11 1UT (“the Property”)

Parties:

Mr Spyridon Chasalevris, 5/5 Northfield Broadway, Edinburgh, EH8 7QQ (“the Applicant”)

Miss Kennya Chu, 23 Parkhead Gardens, Edinburgh, EH11 4SB (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Helen Barclay (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent had failed to comply with Regulation 3 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 and made an Order for Payment by the Respondent to the Applicant of the sum of £1,500.

Background

1. By application dated 27 January 2025, the Applicant sought an Order for Payment in respect of the failure of the Respondent to comply with Regulation 9 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 (“the 2011 Regulations”). The Applicant’s complaint was that the Respondent had failed to lodge the Applicant’s deposit of £500 in an approved tenancy deposit scheme. The Applicant was seeking compensation of up to three times the amount of the deposit.
2. The application was accompanied by a copy of a succession of Short Assured Tenancy Agreements between the Parties, the first commencing on 8 December 2016 at a rent of £480 per month, a receipt for a deposit of £500, and e-mails from SafeDeposits Scotland, My Deposit Scotland

and Letting Protection Scotland, all dated 13 January 2025 and all confirming that the deposit had not at any time been lodged with them.

Case Management Discussion

3. A Case Management Discussion was held by means of a telephone conference call on 25 July 2025. The Applicant was present. The Respondent was not present or represented.
4. Following the Case Management Discussion, the Tribunal granted the application and made an Order for Payment by the Respondent to the Applicant of the sum of £1,500, being three times the amount of the deposit.
5. On 31 July 2025, the Respondent requested a Recall of the Tribunal's Decision, on the ground that she had believed that the application would not proceed after she had repaid the deposit to the Applicant after the application was made.
6. The Tribunal decided to grant the request for Recall on 1 October 2025 and remitted the case to an evidential Hearing, the date and time of which were intimated to the Parties.

Hearing

7. A Hearing took place by means of a telephone conference call on the morning of 29 January 2026. The Applicant was present. The Respondent was not present or represented.
8. The Applicant confirmed the facts of the case, namely the commencement and end dates of the tenancy, the payment of the deposit on 8 December 2016 and the refund to him of the deposit on 29 April 2025. He pointed out that the deposit had only been refunded after he had made the application to the Tribunal.

Findings of Fact

- (i) The Applicant entered into a tenancy agreement with the Respondent commencing on 8 December 2016.
- (ii) The Applicant paid a tenancy deposit of £500 on 8 December 2016.
- (iii) The Respondent did not lodge the Applicant's deposit in an approved tenancy deposit scheme.
- (iv) The tenancy ended on 7 November 2024.
- (v) The Applicant applied to the Tribunal on 27 January 2025.
- (vi) The Respondent refunded the deposit on 29 April 2025.
- (vii) The deposit was not protected in an approved tenancy deposit scheme for the entire duration of the tenancy, namely 8 December 2016 to 7 November 2024.

Reasons for Decision

9. Under Regulation 3(1) of the Tenancy Deposit Schemes (Scotland) Regulations 2011 (“The 2011 Regulations”), a landlord must, within 30 working days of the beginning of the tenancy pay the deposit to the scheme administrator of an approved scheme. Under Regulation 10, if satisfied that the landlord did not comply with any duty in Regulation 3, the Tribunal **must** order the landlord to pay to the tenant an amount not exceeding three times the amount of the tenancy deposit. Regulation 42 of the 2011 Regulations requires a landlord to provide certain information to tenants, including the name and contact details of the scheme administrator of the tenancy deposit scheme to which the deposit has been paid.
10. The Tribunal noted that the deposit had never been protected during the period of the tenancy, almost eight years. As a result, the Applicant had been denied the opportunity to challenge, through the adjudication process of an approved tenancy deposit scheme, the Respondent’s contention that she should be allowed to retain the deposit in order to make good a number of alleged repairs issues. The Respondent had not provided any written representations and had chosen not to attend or be represented at the Hearing. The Tribunal could not identify any mitigating factors which would justify any reduction in any sanction that the Tribunal might impose. She had refunded the deposit, but not until three months after the application to the Tribunal was made.
11. Having considered all the evidence before it, the Tribunal decided that it would order the Respondent to pay the sum of £1,500, the maximum sum it could award. The Tribunal regarded this as a fair, reasonable and proportionate sanction which reflected the Respondent’s culpability, taking into account the seriousness and prolonged nature of the Respondent’s failure and her complete failure to engage with the Tribunal process, other than to request a Recall of the Tribunal’s original decision.

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.

G. Clark

Legal Member/Chair

29 January 2026
Date