



**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/24/4800**

**Re: Property at 1/5, 65 HIGH STREET, GLASGOW, G1 1NW (“the Property”)**

**Parties:**

**Miss Salma Evequoz, Rue du Moulin 2, 2504 Bienne, Switzerland (“the Applicant”)**

**Mrs Cheryl Campbell, UNKNOWN, UNKNOWN (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member)**

**Decision**

**[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) made an award in terms of Regulation 10 of The Tenancy Deposit Schemes (Scotland) Regulations 2011 ordering that the Respondent pay the Applicant the sum of £3,450.00, being an amount equal to three times the value of the relevant tenancy deposit.**

**Background**

[2] The Applicant seeks an award under the Regulations in respect of the failure of the Respondent to place a tenancy deposit in the sum of £1,150.00 in an approved scheme as required by Regulation 3. The Respondent has not engaged with the process. Service ultimately was effected on her by means of advertisement on the Tribunal website as her whereabouts could not reasonably be established. The Applicant had also emailed her about the matter and received no response.

**The Case Management Discussion**

[3] The Application called for a Case Management Discussion (“CMD”) by conference call at 2pm on 11 March 2025. The Applicant was personally present. There was no appearance by or on behalf of the Respondent. As the Application had been competently served, the Tribunal decided to proceed in the absence of the Respondent. The Applicant explained that she had never received her deposit of £1,150.00 back at the end of the tenancy and then she had never heard from the Respondent again despite emails, social media messages and correspondence to her addresses in the tenancy and on the landlord registration website.

[4] The Tribunal considered that in these circumstances it did not seem efficient to delay determining the Application by continuing it to a full Hearing.

[5] Having considered the Application, the Tribunal made the following findings in fact.

### **Findings in Fact**

- 1) *The Applicant paid the Respondent a deposit of £1,150.00 as a relevant tenancy deposit within the meaning of the Regulations;*
- 2) *The deposit was not registered by the Respondent in an approved scheme. The deposit was then retained by the Respondent at the end of the tenancy. The Respondent then failed to engage with the Applicant or respond to her extensive efforts to communicate with her.*
- 3) *The Respondent failed to comply with Regulation 3 to pay the deposit paid by the Applicants into an approved tenancy deposit scheme within 30 working days of the commencement of the tenancy.*

### **Decision**

[6] Having made the above findings in fact, the Tribunal had to determine what, if any, award ought to be made under Regulation 10. The Tribunal proceeded on the basis that the determination of the award required the Tribunal to exercise its judicial discretion to consider what would be fair, proportionate and just.

[7] In forming its approach to where this particular breach sat on the scale of sanctions open to the Tribunal, The Tribunal considered that were certain factors that weighed towards severity and nothing towards lenience. The actions of the Respondent appeared egregious and contrary to the everything the Regulations are intended to prevent. The Tribunal considered that the Applicant ought to be awarded the maximum sum open to the Tribunal to award.

[8] The Tribunal considered that the sum to be awarded in terms of Regulation 10 ought to be a sum equal to three times the sum of the deposit of £1,150.00, being £3,450.00.

### **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.

**Andrew McLaughlin**

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Legal Member/Chair

**11 March 2026**  
Date