



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Regulation 3 of the Tenancy Deposit Schemes (Scotland) Regulations 2011**

**Chamber Ref: FTS/HPC/PR/25/4060**

**Re: Property at Flat 1/1 16 Durward Court, Glasgow, G41 3RZ (“the Property”)**

**Parties:**

**Dr Philip Quither, Dr Nicole Bryce, 8 Argyll Court, Harthill, ML7 5BG (“the Applicant”)**

**Mrs Irim Hussain, 5 Neid Path Road East, Whitecraigs, Glasgow, G46 6TX (“the Respondent”)**

**Tribunal Members:**

**John McHugh (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondent of the sum of £800 should be made in favour of the Applicants.**

**Background**

The Applicants were the tenants and the Respondent the landlord in terms of a Private Residential Tenancy of the Property. The Applicants complain of a failure by the Respondent to place their deposit in an approved scheme within the timescale specified by the 2011 Regulations.

**The Case Management Discussion**

A Case Management Discussion took place by telephone conference on 1 March 2026. Dr Quither represented both Applicants. The Respondent represented herself. The parties are agreed on all the material facts. The Respondent accepts that she failed to place the Applicants’ deposit into an approved scheme timeously. She accepts that it is inevitable that the Tribunal will make a finding to that effect and

that there will be an Order for her to make a payment to the Applicants. The Applicant apologised to the Applicants and to the Tribunal for her failure.

### **Findings in Fact**

1 The Applicants were the tenants and the Respondent the Landlord in terms of a Private Residential Tenancy Agreement relating to the Property dated 30 and 31 July and 3 September 2024.

2 The tenancy began on 1 August 2024.

3 The Applicants paid a deposit of £1429 to the Respondent at the beginning of the tenancy.

4 The Respondent placed the deposit in an approved scheme on 16 December 2024.

5 The tenancy ended on 14 August 2025 and thereafter the deposit was returned to the Applicants.

### **Reasons for Decision**

The parties agree that the deposit was not placed in an approved scheme within the 30 working day period required by the Regulations. The Respondent has lodged a detailed written statement which explains the reasons behind the lateness. It essentially turns upon difficulties in her personal life which impacted upon her ability to comply with the Regulations. The Tribunal accepts that the Respondent's failure was out of character and the result of her personal difficulties at the relevant time. The Tribunal also notes the Respondent's apology.

The Regulations require the Tribunal to make an award in favour of the Applicants. In considering the appropriate amount, the Tribunal has given weight to the Respondent's explanation and apology; the fact that the deposit was eventually voluntarily placed into a deposit scheme; the fact that the period when the deposit was unprotected was relatively short; and the fact that the deposit was repaid to the Applicants.

Equally, however, the Regulations exist to protect tenants and their deposits and it is appropriate to recognise that the deposit in this case was placed at risk because of the Respondent's delay in dealing with it. Although the Respondent had personal difficulties, in choosing to be a landlord and by accepting a tenant deposit, certain duties are incumbent upon her and it was important that she discharge them appropriately.

The Tribunal considers that an award of £800 adequately reflects the facts of this case.

### **Decision**

**The Respondent will be ordered to make a payment to the Applicants of £800.**

## **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.**

**02/03/2026**

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**John McHugh, Legal Member/Chair**

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**Date**