



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/25/3971

Re: Property at 11 3F3, Hillside Street, Edinburgh, EH7 5HD (“the Property”)

Parties:

Miss Ansuka Chanu , 1 Lochend Gardens, Edinburgh EH7 6DG (“the Applicant”)

Miss Yejide Onabule, Flat 3, Wheatcroft Court, 14 Wenlock Gardens, London, NW4 4XJ (“the Respondent”)

Tribunal Member:

George Clark (Legal Member)

Decision (in absence of the Parties)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £2,100.

Background

1. By application, dated 16 September 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 a deposit of £700 in an approved tenancy deposit scheme within 30 working days of the beginning of a tenancy. The Applicant was seeking compensation of three times the amount of the deposit.
2. The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties commencing on 15 February 2025 at a monthly rent of £700, with a deposit of £700. The Applicant also provided a copy email from Safe Deposits Scotland confirming that a deposit of £700 had been protected with them from 5 June 2025.

3. On 15 January 2026, the Tribunal advised the Parties of the date and time of a Case Management Discussion and the Respondent was invited to make written representations by 5 February 2026. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

4. A second Case Management Discussion was held by means of a telephone conference call on the morning of 5 March 2026. Neither Party was present or represented and the Tribunal decided the application in their absence, as it had written representations from the Applicant and the Respondent had had the opportunity but had chosen not to make written representations in advance of the Case Management Discussion.

Findings of Fact

- (i) The Parties entered into a tenancy agreement commencing on 15 February 2025. It stated that a deposit of £700 was payable in addition to the rent and that it would be lodged with Saafe Deposits Scotland.
- (ii) The Applicant paid a deposit of £700 at the commencement of the tenancy.
- (iii) The Applicant's deposit was not lodged in an approved tenancy deposit scheme until 5 June 2025.
- (iv) The tenancy ended on 11 September 2025.

Reasons for Decision

5. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 states that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it sufficient information and documentation to enable it to determine the application without a Hearing.
6. 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.

7. The Tribunal noted that the Respondent received the deposit at the commencement of the tenancy but did not lodge it with an approved tenancy deposit scheme until 5 June 2025. The Tribunal also noted that the Respondent had made no written representations and had decided not to appear or to be present at the Case Management Discussion, so had offered no explanation or facts and circumstances that she wished the Tribunal to take into account in arriving at its Decision.
8. The Tribunal regarded the Respondent's failure as very serious. The deposit had been at risk for almost 4 months, with no explanation for the delay offered to the Applicant, and the Respondent had completely failed to engage with the process either when the deposit was refunded to the Applicant by Safe Deposits Scotland or during the Tribunal proceedings. There appeared to be no excuse for her failure to lodge the deposit within the stipulated timescale. The Applicant had received full refund of the deposit but that was due entirely to her own efforts, without any co-operation or input on the part of the Respondent.
9. Having considered all the evidence before it, the Tribunal decided that it would order the Respondent to pay the sum of £2,100, the maximum amount it could award. The Tribunal regarded this as fair, reasonable and proportionate, taking into account the amount of the deposit, the length of time it had been unprotected and the complete lack of engagement by the Respondent.

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.

George Clark

Legal Member/Chair

5 March 2026

Date

