



**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/25/5077**

**Re: Property at Flat A, 5 North Frederick Path, Hanover Court, Glasgow G1 2BE (“the Property”)**

**Parties:**

**Joseph Abbot, Apartment 402, 1 Eldon Street, Sheffield S1 4GB (“the Applicant”)**

**Jack Woo, 132 West Nile Street, Third Floor, Glasgow G1 2RQ (“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 £600 should be made in favour of the Applicants.**

**Background**

The Applicant was the tenant and the Respondent the landlord in terms of a Private Residential Tenancy of the Property. The Applicant complains of a failure by the Respondent to place his 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 30 April 2026. The Applicant represented himself. The Respondent was represented by his letting agent, Chris Chalmers. The parties are agreed on all the material facts. Mr Chalmers accepts that he failed to place the Applicant’s deposit into an approved scheme timeously. He accepts that it is inevitable that the Tribunal will make a finding to that effect and that there will be an Order for the Respondent to make a

payment to the Applicant. Mr Chalmers apologised to the Applicant and to the Tribunal for the failure.

The Respondent had lodged a letter with the Tribunal in which he explained that he had entrusted the matter to Mr Chalmers, his letting agent who he had found to have represented him well and without problems over many years. Mr Chalmers had lodged a letter explaining that the deposit had not been placed in an approved scheme timeously because of an administrative error on the part of a, now former, member of his staff. When the error had been recognised, the deposit had immediately been paid into an approved scheme.

He confirmed that his practices have been reviewed and improved to avoid a repetition. As soon as the problem had been realised he had, unprompted by any third party, paid the deposit into an approved scheme.

The Applicant advises that he was not aware of the issue until the end of the tenancy when he had been informed of it by the approved scheme.

Both Mr Chalmers and the Applicant indicated that they had no specific submission on the amount of any Order which should be made but were content for the Tribunal to apply its judgment to the facts as noted to arrive at a suitable order.

### **Findings in Fact**

- 1 The Applicant was the tenant and the Respondent the Landlord in terms of a Private Residential Tenancy Agreement relating to the Property dated 13 December 2023.
- 2 The tenancy began on 14 December 2023.
- 3 The Applicant paid a deposit of £1200 to the Respondent at the beginning of the tenancy.
- 4 The Respondent placed the deposit in an approved scheme on 21 February 2024.
- 5 The tenancy ended on 9 September 2025.

### **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's letting agent has lodged a detailed written statement which explains the reasons behind the lateness. It essentially turns upon an administrative error made by the letting agent. The Tribunal accepts that the Respondent's failure was unintentional and was voluntarily rectified quickly. The Tribunal also notes the Respondent's apology.

The Regulations require the Tribunal to make an award in favour of the Applicant. The Tribunal had a wide discretion to make an award up to three times of the value of the deposit.

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 Applicant suffered no loss

This case is, for the above reasons, at the less serious end of the scale of cases which the Tribunal encounters. 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. The Tribunal ought to mark its disapproval of that situation by making an award which recognises this.

The Tribunal considers that an award of £600 adequately reflects the facts of this case.

### **Decision**

**The Respondent will be ordered to make a payment to the Applicants of £600.**

### **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.**

**30.04.26**

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**John McHugh, Legal Member/Chair**

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**Date**