



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Regulation 10 of The Tenancy Deposit
Schemes (Scotland) Regulations 2011**

Chamber Ref: FTS/HPC/PR/25/3439

**Re: Property at 33 Holm Gardens, Bellshill, North Lanarkshire, ML4 2PB (“the
Property”)**

Parties:

Mr Robert Easton, 13 Holywell Road, Lincoln, LN5 9DE (“the Applicant”)

**Cowley Property Ltd, 21 Philip Murray Road, Bellshill, ML4 3FA
 (“the Respondent”)**

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision (in absence of the Respondent)

At the Case Management Discussion (“the CMD) which took place by telephone conference on 23 March 2026 the Applicant was present. The Respondent was not represented but a Director thereof, Mrs Fallon Cowley, had lodged written submissions by letter dated 12 February and sent to the Tribunal by email on 13 February 2026.

Background

The Tribunal noted the following background:-

- i. Mr Anthony Cowley and Mrs Fallon Cowley (“the Former Landlords”) previously leased the Property to the Applicant in terms of a Private Residential Tenancy Agreement (“the PRT”) that commenced on 12 March 2018.
- ii. The deposit paid by the Applicant to the Former Landlords in terms of the PRT was £725.
- iii. The PRT, at clause 10, refers to the deposit being paid to Safe Deposits Scotland.
- iv. On 27 October 2022 the Former Landlords lodged the deposit into an approved scheme, namely Safe Deposits Scotland, well outwith the period for lodging allowed by Regulation 3 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 (“the Regulations”).
- v. On 4 November 2024 the Respondent acquired ownership of the Property.
- vi. The Directors of the Respondent are the Former Landlords.
- vii. The PRT ended on 24 June 2025.

This application is made under Regulation 10 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 ("the Regulations").

The CMD

At the CMD the Applicant made the following additional oral submissions in response to questions from the Tribunal –

By the Applicant

- i. The Applicant was aware of the change of ownership of the Property as access had been sought by the Former Landlords for a valuation of the Property to be carried out.
- ii. The Applicant received a letter from a debt collector relative to the debt of a former tenant of the Property. The debt collector asked for a copy of the Applicant's tenancy agreement. The Applicant could not find his copy of the PRT and his wife got in touch with the Former Landlords for a copy and also asked for details of the deposit scheme into which the deposit had been paid. The Applicant referred to his wife's emails with the Former Landlords on 25 October 2022 (produced).
- iii. The Applicant subsequently received the Deposit Protection Certificate from Safe Deposits Scotland showing the deposit lodged on 27 October 2022.
- iv. The Applicant moved to Lincoln on 24 June 2025 when the PRT ended. The Property was placed on the market for sale the following day.
- v. The deposit was unprotected for a period of approximately 4 years and 7.5 months.
- vi. The Applicant received back £625 of the deposit paid through the adjudication scheme operated by Safe Deposits Scotland, with a deduction of £100 being made for minor damage admitted by the Applicant.
- vii. The Applicant believes the Respondent and/or the Former Landlords own both residential and commercial properties. In her email of 25 October 2022 Mrs Cowley refers to "properties".
- viii. The Applicant is seeking a penalty be imposed for the failure to comply with the Regulations.

Whilst not vouched, the Tribunal also noted the terms of the Respondent's written submissions.

Findings in Fact

- i. The Former Landlords previously leased the Property to the Applicant in terms of the PRT that commenced on 12 March 2018.
- ii. The deposit paid by the Applicant to the Former Landlords in terms of the PRT was £725.
- iii. The PRT, at clause 10, refers to the deposit being paid to Safe Deposits Scotland.
- iv. On 27 October 2022 the Former Landlords lodged the deposit into an approved scheme, namely Safe Deposits Scotland.
- v. The deposit was unprotected for a period of approximately 4 years and 7.5 months.
- vi. On 4 November 2024 the Respondent acquired ownership of the Property.
- vii. The Directors of the Respondent are the Former Landlords.
- viii. The PRT ended on 24 June 2025.
- ix. The Applicant received back £625 of the deposit paid through the adjudication scheme operated by Safe Deposits Scotland, with a deduction of £100 being made for minor damage admitted by the Applicant.

Reasons for Decision

The Tribunal takes a landlord's failure to comply with the Regulations seriously.

Regulation 3 of the Regulations states:-

*"(1)A landlord who has received a tenancy deposit in connection with a relevant tenancy must, within 30 working days of the beginning of the tenancy –
(a) pay the deposit to the scheme administrator of an approved scheme;"*

Regulation 10 of the Regulations states:-

"If satisfied that the landlord did not comply with any duty in regulation 3 the First-tier Tribunal -

(a) must order the landlord to pay the tenant an amount not exceeding three times the amount of the tenancy deposit;"

The Respondent acquired the landlord's interest under the PRT.

The PRT is a relevant tenancy under the Regulations.

The sum of £725 relative to the deposit for the PRT was not timeously lodged with the scheme administrator of an approved scheme in terms of Regulation 3.

A sanction is therefore payable by the Respondent to the Applicant in terms of Regulation 10.

The Regulations require a landlord to lodge a tenancy deposit with an approved scheme within a period of 30 working days from the beginning of the tenancy. The deposit was unprotected for a period of approximately 4 years and 7.5 months which is a significant term. The lodging of the deposit was only prompted by the Applicant's wife's enquiry on 25 October 2022.

Whilst the Tribunal noted the tragic sequence of events affecting Mrs Cowley personally between November 2017 and October 2018 which undoubtedly had an effect well beyond that time, Mr Cowley is also named on the PRT and no account is given as to why it took until October 2022 for the deposit to be lodged. Any reference to further damages claims that the Respondent might have against the Applicant relative to the PRT are not relevant to this application and the compliance or otherwise with the Regulations.

In determining the amount payable by the Respondent to the Applicant the Tribunal took into account the following:-

- i. That the deposit was unprotected for a very substantial period namely approximately 4 years and 7.5 months and was only lodged in response to the enquiry of the Applicant's wife by email on 25 October 2022.
- ii. The Former Landlords were aware of the Regulations yet failed to comply with them.
- iii. The events affecting Mrs Cowley personally between November 2017 and October 2018 and beyond.
- iv. The Former Landlords had at the material time an interest in a number of tenanted residential properties.

- v. The deposit was eventually lodged with an approved scheme on 27 October 2022.
- vi. The Applicant was able to take advantage of the adjudication scheme operated by Safe Deposits Scotland at the end of the tenancy and received £625 of the deposit lodged.

In all the circumstances the Tribunal considered the failure to pay the deposit into an approved scheme to be towards the higher end of the scale of sanctions available to it given the commercial enterprise clearly run by the Former Landlords in the private rented sector.

The Tribunal therefore determined that, having regard to the foregoing, the Respondent must pay to the Applicant a sum of £1450 by way of a penalty for the failure to comply with the Regulations. Such a penalty is proportionate, fair and just in the circumstances.

Decision

The Respondent is ordered to pay to the Applicant a sum of £1450.

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.

Gillian Buchanan

Legal Member/Chair

23 March 2026
Date