Housing and Property Chamber
First-tier Tribunal for Scotland

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Regulation 9 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 ("the Regulations")

Chamber Ref: FTS/HPC/PR/26/0102

Re: Property at 11 Kilpatrick Bow, Edinburgh, EH6 5FU ("the Property")

Parties:

Miss Jessica Morton, Mr Gavin Thomson, 11 Kilpatrick Bow, Edinburgh, EH6 5FU ("the Applicants")

Citra Living Properties (No.1) Ltd, Llyods Banking Group, 25 Gresham Street, London, EC2V 7HN ("the Respondent")

Tribunal Member:

Ms H Forbes (Legal Member)

Decision (in the absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order for payment should be granted in favour of the Applicant in the sum of £500.

Background

1. This is a Rule 103 application. The Applicant is seeking payment in respect of the Respondent's failure to lodge the tenancy deposit of £1730.76 in an approved tenancy deposit scheme timeously. The Applicant lodged a copy of a private residential tenancy agreement between the parties which commenced on 25th September 2025 with a monthly rent of £1500, and a deposit protection certificate showing the deposit was received by the approved tenancy deposit scheme on 30th December 2025.

2. Service of the application and notification of a Case Management Discussion was made upon the Respondent by Process Server on 17th May 2026.

Case Management Discussion

3. A Case Management Discussion ("CMD") took place by telephone conference on 25th June 2026. The Applicants were in attendance. The Respondent was not in attendance.

4. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondent.

5. The Applicants confirmed the background to the application. The tenancy continues. The Applicants have not had any contact with the Respondent regarding this matter. The Applicants said they hoped the Respondent would be in attendance at the CMD to explain the reasons for the failure. The Applicants said the letting agent had been in touch with them after the commencement of the tenancy to say that the tenancy deposit had been registered. The approved tenancy deposit scheme then contacted them to say the deposit had not been lodged until 30th December 2025, which was 36 working days late.

6. Responding to questions from the Tribunal regarding the amount of any award, the Applicants said the tenancy deposit was relatively high.

Findings in Fact and Law

7.
   (i) The parties entered into a private residential tenancy agreement in respect of the Property that commenced on 25th September 2025 with a monthly rent of £1500.

   (ii) A tenancy deposit of £1730.76 was paid to the Respondent by the Applicants at the commencement of the tenancy.

   (iii) The deposit was not lodged with an approved tenancy deposit scheme within 30 days of the commencement of the tenancy.

   (iv) The deposit was lodged on 30th December 2025.

   (v) The Respondent has breached Regulation 3 by failing to pay the deposit into an approved tenancy deposit scheme timeously.

Reasons for Decision

8. The Regulations were put in place to ensure compliance with the tenancy deposit scheme, and to provide the benefit of dispute resolution for parties. The Tribunal considers that its discretion in making an award requires to be exercised in the manner set out in the case *Jenson v Fappiano (Sheriff Court (Lothian and Borders) (Edinburgh) 28 January 2015* by ensuring that it is fair and just, proportionate and informed by taking into account the particular circumstances of the case. The Tribunal must consider the facts of each case appropriately.

9. The Tribunal took guidance from the decision of the Upper Tribunal UTS/AP/19/0020 which states: *'Cases at the most serious end of the scale might involve: repeated breaches against a number of tenants; fraudulent intention; deliberate or reckless failure to observe responsibilities; denial of fault; very high financial sums involved; actual losses caused to the tenant, or other hypotheticals.'*

10. The Tribunal considered this to be a serious matter, although not one at the most serious end of the scale. The Applicant's deposit was not lodged timeously with an approved tenancy deposit scheme as required by Regulation 3, and remained unprotected for over a month. The deposit was lodged, however, and it is now secure in an approved tenancy deposit scheme, giving the Applicants the benefit of adjudication at the end of the tenancy.

11. The Respondent did not see fit to attend the CMD or make representations. No mitigating circumstances were put forward by the Respondent regarding the failure to lodge the tenancy deposit timeously. It was apparent to the Tribunal that the Respondent is a large property-related company and an experienced landlord of multiple properties. The Tribunal considered that the Respondent ought to have had proper procedures in place to ensure compliance with the obligation to lodge the tenancy deposit timeously. The Applicant was entitled to have confidence that the Respondent would comply with their duties as a landlord.

12. Taking all the circumstances into account, the Tribunal decided it would be fair and just to award a sum of £500 to the Applicants.

Decision

13. The Tribunal grants an order against the Respondent for payment to the Applicants of the sum of £500 in terms of Regulation 10(a) of The Tenancy Deposit Schemes (Scotland) Regulations 2011.

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.

[redacted]

Legal Member/Chair **Date 25th June 2026**