

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

**Chamber Ref: FTS/HPC/PR/25/3939**

**Re: Property at 1 Swellhead Cottage, Blairs, Aberdeen, AB12 5YX ("the Property")**

**Parties:**

**Miss Charlotte Wood, Mr Cameron Gilchrist, South Andet, Methlick, Ellon, Aberdeen, AB41 7EX ("the Applicant")**

**Mr James Irvine Fortesque, 46 Countesswells Road, Aberdeen, AB15 7YF ("the Respondent")**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Ahsan Khan (Ordinary Member)**

**Background**

[1] The Applicants seek an award under the Regulations in respect of the alleged failure of the Respondent to lodge a relevant tenancy deposit paid to them within 30 days as required by Regulation 3.

**Case Management Discussion**

[2] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 26 March 2026. Ms Wood was personally present on behalf of both Applicants. The Respondent was personally present. The Respondent had submitted written representations in advance of the Hearing accepting that they had received a deposit of £725.00 and that this was not registered into an approved scheme until after the tenancy ended. The facts were not complicated but the Tribunal considered that only a full Tribunal should decide what, if any, award ought to be made under the Regulations after hearing evidence and submissions.

[3] The Tribunal decided to adjourn the Application to an evidential Hearing by conference call for evidence to be heard and a final decision to be made. The parties thereafter submitted representations agreeing a resolution in terms of which the Respondent would pay the Applicants the sum of £220.20 in full and final settlement.

[4] The Application thereafter called for a Hearing by conference call at 10 am on 24 August 2026. Ms Wood was present for both Applicants and the Respondent was also present. Both parties asked the Tribunal to make an order that reflected the settlement reached. The Tribunal found in fact that the Respondent had breached their obligations under the Regulations by failing to register the deposit into an approved scheme. The Tribunal considered that the outcome requested by the parties was reasonable and granted the Application to the extent of awarding the Applicants the sum of £220.20.

### **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.**

**Legal Member/Chair**

**Date: 24 August 2026**