



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/25/4137

Re: Property at Abbey Court, 163A Bank Street, Coatbridge, ML5 1ET ("the Property")

Parties:

Miss Colleen Bell, 57D Eglinton Street, Coatbridge, ML5 3JF ("the Applicant")

Mrs Laura Parker Travers, 4 Deanbank Road, Coatbridge, ML5 1RY ("the Respondent")

Tribunal Members:

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

Decision (in absence of the Respondent)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") made an award in terms of Regulation 10 of The Tenancy Deposit Schemes (Scotland) Regulations 2011 ordering that the Respondent pay the Applicant the sum of £750.00.

Background

[2] The Applicant seeks 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.

Prior Procedure

[3] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 23 March 2026. The parties were both personally present. It was accepted that

the Respondent had not registered the Applicant's £500.00 deposit into an approved scheme, albeit the deposit had been returned in full at the end of the tenancy.

[4] 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.

[5] 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 Hearing

[6] The Application thereafter called for a Hearing by conference call at 10 am on 5 August 2026. Both parties were personally present. Neither had any preliminary matters to raise. The Tribunal heard from both parties. The Applicant's position was clear and required little further explanation. The Respondent had submitted representations setting out her position and she spoke to those. She explained that she had been foolish and failed to appreciate her responsibilities as a landlord. She did not currently operate as a landlord and indicated that if she wanted to re-enter the sector she would take much greater care to educate herself. She was very apologetic. The Respondent pointed out that the deposit had been returned in full to the Applicant at the end of the tenancy. The Applicant pointed out that being a landlord was a great responsibility and that it was important that landlords followed the rules.

[7] Having heard from parties, the Tribunal made the following findings in fact.

- 1) *The Respondent let the Property to the Applicant with a tenancy commencing on 30 June 2016. The Applicant's tenancy ended and she vacated the Property on 14 September 2025.*
- 2) *At the commencement of the tenancy, the Applicant paid the Respondent a tenancy deposit in the sum of £500.00.*
- 3) *The Respondent failed to register the deposit into an approved scheme at any point during the tenancy.*
- 4) *The Respondent returned the sum of £500.00 to the Applicant promptly at the end of the tenancy.*

[8] Having made the above findings in fact, the Tribunal had to determine what, if any, award ought to be made under Regulation 10. The Tribunal proceeded on the basis that

the determination of the award required the Tribunal to exercise its judicial discretion to consider what would be fair, proportionate and just in the circumstances of the case.

[9] In forming its approach to where this particular breach sat on the scale of sanctions open to the Tribunal, the Tribunal had regard to the decision of Sheriff Cruickshank in *Ahmed v Russell* (UTS/AP/22/0021), which provides helpful guidance on the assessment of an appropriate sanction. In doing so, the Tribunal requires to identify the relevant aggravating and mitigating factors and apply appropriate weight to them in reaching its decision. The Tribunal is then entitled to impose a fair, proportionate and just sanction of between £1 and three times the amount of the tenancy deposit, which in this case would be £1,500. As Sheriff Cruickshank observed at paragraph 39 of *Ahmed*:

"The sanction which is imposed is to mark the gravity of the breach which has occurred. The purpose of the sanction is not to compensate the tenant. The level of sanction should reflect the level of overall culpability in each case measured against the nature and extent of the breach of the 2011 Regulations."

[10] The Tribunal considered that the principal aggravating factors were that the deposit remained unprotected throughout a tenancy of almost ten years and that the Respondent had previously failed to protect a tenancy deposit in relation to the same property. In mitigation, the Tribunal took account of the fact that the Respondent was the landlord of only one property and when the tenancy began had recently moved home whilst pregnant. The Tribunal also attached weight to the fact that the deposit was returned promptly and in full at the end of the tenancy. The Tribunal also attached weight to the fact that the Respondent admitted the breach and did not seek to deny responsibility for it. The Tribunal accepted that the Respondent was inexperienced as a landlord. These matters provided some mitigation. However, being a landlord, even of only one property, carries significant legal obligations. Ignorance of the relevant statutory requirements is not a defence. Balancing all of these factors, and applying the guidance in *Ahmed*, the Tribunal determined that a sanction of £750.00, being one and a half times the tenancy deposit, was fair, proportionate and just. While the aggravating factors justified an award above a nominal level, the mitigating factors meant that an award at the upper end of the statutory scale would not be appropriate.

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.

Andrew McLaughlin

Legal Member/Chair

5 August 2026

Date