



**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/26/2780

Re: Property at 61C Orchard Street, Aberdeen, AB24 3DB (“the Property”)

Parties:

**Mr Andrew Stuart, Miss Rebecca Dargie, 47 Brattle Wood, Sevenoaks, TN13
1QS; 25 Denview Wynd, Aberdeen, AB15 8PF (“the Applicants”)**

**Ian Fowler c/o Easthaven Property Management, 8 St Marys Place, Aberdeen,
AB11 6HL (“the Respondent”)**

Tribunal Members:

Fiona Watson (Legal Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order is granted against the Respondent for
payment of the undernoted sum to the Applicants:**

Sum of TWO HUNDRED AND TWENTY-FIVE POUNDS (£225) STERLING

- Background
- 1. An application was submitted to the Tribunal under Rule 103 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. Said application sought an order against the Respondent on the basis that the Respondent had failed to comply with his duties to lodge a deposit in a tenancy deposit scheme within 30 working days of the start of the tenancy in terms of Regulation 3 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 (“the 2011 Regulations”).

- The Case Management Discussion

2. A Case Management Discussion ("CMD") took place on 5 October 2026 by telephone call. The Applicants were personally present and representing themselves. The Respondent was represented by his letting agent, Ms Munro of Easthaven Property Management.
3. The Applicants sought an order from the Tribunal on the basis that the Respondent had failed to comply with their duties to lodge a deposit in a tenancy deposit scheme within 30 working days of the start of the tenancy in terms of Regulation 3 of the 2011 Regulations. The Applicants submitted that they had entered into a tenancy with the Respondent which commenced 18 June 2024. The Applicants paid a £550 deposit to the Respondent via their letting agent, Easthaven Property Management. At termination of the tenancy, the Applicants discovered that the deposit was lodged on 7 August 2024. It should have been lodged by 30 July 2024 and was therefore lodged 6 working days late. The Applicants sought the maximum award, being three times the amount of the deposit. It was submitted that this was reasonable due to the simplicity of the admin task required of the letting agent to lodge the deposit. The Applicants confirmed that the deposit was returned to them at the end of the tenancy in accordance with an agreement between the parties.
4. The Respondent's representative had submitted a written response to the application on 3 September 2026, confirming that due to an administrative error the deposit has been lodged late by 6 working days. It was stated that the letting agent's processes had since been changed to prevent this from occurring again. It was submitted at the CMD that it would not be reasonable to make an award at the highest end of the scale as the tenant had not suffered any hardship as a result of the deposit being lodged late. It was submitted that awards at the highest end of the scale should be made where a deposit has never been lodged, or lodged so late as to cause detriment or risk to the tenant. It was submitted that this had not happened in this case.

- Findings in Fact

5. The Tribunal made the following findings in fact:

- (a) The parties entered into a private residential tenancy which commenced 18 June 2024;
- (b) The Applicants paid a deposit of £550 to the Respondent via their letting agent;
- (c) The Respondent failed to timeously lodge the deposit of £550 into an approved tenancy deposit scheme under Regulation 3 of the 2011 Regulations;
- (d) The deposit was lodged on 7 August 2024 instead of the deadline of 30 July 2024, and was therefore lodged late by 6 working days.

- Findings in Law

6. The Tribunal made the following findings in law:

6.1 The Respondent was in breach of their duties under Regulation 3 of the 2011 Regulations, which states as follows:

3 (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; and

(b) provide the tenant with the information required under regulation 42.

(1A) Paragraph (1) does not apply—

(a) where the tenancy comes to an end by virtue of section 48 or 50 of the Private Housing (Tenancies) (Scotland) Act 2016, and

(b) the full amount of the tenancy deposit received by the landlord is returned to the tenant by the landlord,

within 30 working days of the beginning of the tenancy

(2) The landlord must ensure that any tenancy deposit paid in connection with a relevant tenancy is held by an approved scheme from the date it is first paid to a tenancy deposit scheme under paragraph (1)(a) until it is repaid in accordance with these Regulations following the end of the tenancy.

(2A) Where the landlord and the tenant agree that the tenancy deposit is to be paid in instalments, paragraphs (1) and (2) apply as if—

(a) the references to deposit were to each instalment of the deposit, and

(b) the reference to the beginning of the tenancy were to the date when any instalment of the deposit is received by the landlord.

(3) A “relevant tenancy” for the purposes of paragraphs (1) and (2) means any tenancy or occupancy arrangement—

(a) in respect of which the landlord is a relevant person; and

(b) by virtue of which a house is occupied by an unconnected person, unless the use of the house is of a type described in section 83(6) (application for registration) of the 2004 Act.

(4) In this regulation, the expressions “relevant person” and “unconnected person” have the meanings conferred by section 83(8) of the 2004 Act.

6.2 The Tribunal must grant an order in terms of Regulation 10 which states as follows:

10. 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; and

(b) may, as the First-tier Tribunal considers appropriate in the circumstances of the application, order the landlord to—

(i) pay the tenancy deposit to an approved scheme; or

(ii) provide the tenant with the information required under regulation 42.

- Reasons for Decision

7. The Tribunal was satisfied that the Respondent was in breach of their duties under Regulations 3 as aforesaid. This was by the Respondent's own admission.
8. The deposit was lodged 6 working days late. The period during which the deposit was not protected, was minimal. During that period, it was held by a professional letting agent on behalf of the Respondent. The Tribunal noted that the letting agent had advised that they had changed their processes since this occurred to prevent such a breach happening again. The Tribunal considered this to be a minor breach of the Regulations.
9. The Tribunal did not consider it reasonable to make an award at the higher end of the statutory scale, given the minimal period during which the deposit was not protected, the fact that the deposit had been returned in terms of an agreement between the parties, and that there had been no detriment to the Applicants. Regulation 10 requires the Tribunal to grant an order where satisfied that Regulation 3 has been breached, and therefore whilst the Tribunal must grant an order in this case, the Tribunal considers it appropriate that the order should be at the lower end of the scale given the facts and circumstances.

- Decision

10. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent for payment to the Applicants in the sum of:

TWO HUNDRED AND TWENTY-FIVE POUNDS (£225) STERLING

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: 5 October 2026