

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 10 of the Tenancy Deposit Schemes (Scotland) Regulations 2011/176

Chamber Ref: FTS/HPC/PR/19/2376

Re: Property at 16B Ernest Street, Arbroath, DD11 1UB ("the Property")

Parties:

Miss Courtney Strang, 44 Culloden Road, Arbroath, DD11 1LH ("the Applicant")

Mrs Lorraine Lee, Pine Ridge, Inverurie, AB51 5JL ("the Respondent")

Tribunal Members:

John McHugh (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order for payment of the sum of £100 by the Respondent to the Applicant should be made.

Background

The Applicant was the tenant and the Respondent the landlord under a Private Residential Tenancy Agreement in respect of the Property dated 1 June 2018.

The Case Management Discussion

A Case Management Discussion ("CMD") took place at the Carer's Centre, Dundee on 14 November 2019. The Applicant and the Respondent and were both present. The Respondent was accompanied by her husband and the Applicant by her mother.

Findings in Fact

The Applicant was the tenant and the Respondent the landlord under a Private Residential Tenancy Agreement in respect of the Property dated 1 June 2018.

The tenancy commenced on 7 June 2018.

The Respondent paid to the Applicant a deposit of £390 at the beginning of the tenancy.

The Respondent placed the deposit in an approved scheme on 1 August 2018.

The tenancy ended on 10 June 2019.

Reasons for Decision

The Respondent was under an obligation under Regulation 3 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 to place the deposit within an approved scheme within 30 days.

She failed to do so until 1 August 2018. As a result, the tenancy deposit was unprotected for a period of around three weeks. While this constitutes a breach, we find this to be very much at the minor end of the scale of cases dealt with by the Tribunal. By way of mitigation, the period when the deposit was unprotected was short; the deposit was paid into an approved scheme and the decision to pay it into the scheme appears to have been at the Respondent's own instance ie not as a result of the threat of proceedings. There is no evidence of intentional breach by the Respondent.

Decision

The Respondent should be ordered to pay the Applicant the sum of £100.

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.

John McHugh

John McHugh, Legal Member/Chair

14 November 2019

Date