



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

**Chamber Ref: FTS/HPC/PR/19/2670**

**Re: Property at 3 Craigs Road, Edinburgh, EH12 8EH (“the Property”)**

**Parties:**

**Mrs Antonia Dunwoody, 2 2F2 St Peter's Place, Edinburgh, EH3 9PJ (“the Applicant”)**

**Ms Karen Thrumble, 14 Ardal Grove, Lower Hutt 5010, New Zealand (“the Respondent”)**

**Tribunal Members:**

**Eleanor Mannion (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that there was a failure to secure the deposit of the Applicant in compliance with Regulation 3 of the Tenancy Deposit Scheme (Scotland) Regulations 2011 and ordered payment of £900 being 1 times the amount of the deposit.**

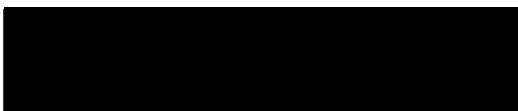
1. A case management discussion took place on the 14<sup>th</sup> November 2019 to hear an application for an order for payment under the Tenancy Deposit Scheme (Scotland) Regulations 2011. The Applicant was in attendance and accompanied by her husband. The Respondent was in attendance via telephone conferencing facilities.
2. The Tribunal explained at the outset of the hearing that the application related to the securing of the deposit only and that any issues or disputes relating to the retention of the deposit for whatever reason does not fall within the jurisdiction of the Tribunal.
3. The Applicant confirmed that she and her husband and children were living in the house from February 2017 and confirmed that two leases were entered into, one dated February 2017 and a further lease dated November 2017. The

tenancy has now come to an end. She confirmed that the deposit paid was £900 and that the remedy sought was an order for payment of £900.

4. The Respondent confirmed that she had “held onto” the deposit when it was paid by the Applicant in 2017. She advised that the landlord tenant relationship was relatively informal and that the Property was her family home which was rented while she and her family lived in New Zealand.
5. The Respondent confirmed that she was aware of the tenancy deposit scheme and was aware of her legal obligations upon her as a landlord. She confirmed that she did not secure the deposit in a deposit scheme as she decided “it was not necessary to do this”.
6. Regulation 3 of the Tenancy Deposit Scheme (Scotland) Regulations 2011 states that a landlord “must within 30 working days of the beginning of the tenancy” secure the deposit by paying it into an approved scheme and also provide the tenants with information in relation to that scheme.
7. As this had not taken place, the Tribunal found that the obligations under Regulation 3 were not complied with and considering Regulations 9 and 10 made an order in the sum of £900 as against the Respondent.

### **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**

14 / 11 / 19

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**Date**