



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber)**

**Chamber Ref: FTS/HPC/PR/19/0132**

**Re: Property at 56 Keir Hardie Avenue, Laurieston, Falkirk, FK2 9JJ (“the Property”)**

**Parties:**

**Mr Darren Hutcheson, 14 Midthorn Crescent, Falkirk, FK2 9DW (“the Applicant”)**

**Mrs Larissa Ryan née Lawrence, 1 Tak Me Doon Road, Larbert, Falkirk, FK5 4TU (“the Respondent”)**

**Tribunal Members:**

**Virgil Crawford (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that**

**BACKGROUND**

1. On 15 January 2019 the Applicant presented an application to the Tribunal requesting that a penalty be imposed on the Respondent due to her failure to timeously lodge a tenancy deposit with an approved scheme, as required by the Tenancy Deposit Schemes (Scotland) Regulations 2011 (the “TDS Regulations”);
2. The Applicant asserted that a deposit in the sum of £450.00 had been paid to the Respondent on 6 January 2012 and that it had not been lodged with an approved scheme until 10 September 2018. This was not in dispute;
3. The Applicant removed himself from the Property on 4 November 2018. The tenancy he had at that time ended then. The Tenancy deposit was released by the approved scheme and was repaid, in full, to the Applicant;
4. The tenancy agreement subsisting at that time was a private residential tenancy agreement dated 11 September 2018. Prior to that agreement being

## **FINDINGS IN FACT**

16. The Tribunal made the following findings in fact:-

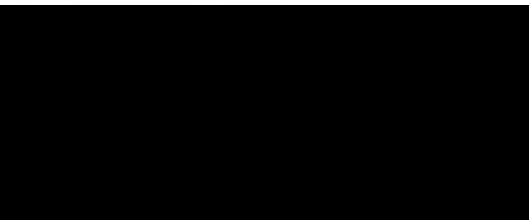
- a) The Application to the Tribunal was received on 15 January 2019;
- b) The tenancy agreement subsisting between the Parties immediately prior to that was a private residential tenancy agreement dated 11 September 2018;
- c) Prior to that agreement being signed there had been a succession of short assured tenancy agreements between the Parties. These were dated 6 January 2012, 12 December 2012, 18 July 2013, 6 January 2014, 10 June 2014 and 22 February 2015;
- d) A tenancy deposit in the sum of £450.00 had been paid by the Applicant to the Respondent on 6 January 2012. This was not lodged with an approved scheme until 10 September 2018;
- e) Throughout the entire duration of the most recent tenancy agreement, dated 11 September 2018, the tenancy deposit was lodged with an approved scheme;
- f) While there had been 6 previous tenancy agreements between the Parties, the most recent of those ended on 11 September 2018;
- g) The application to the Tribunal was made more than 3 months after the termination of the tenancy agreement dated 22 February 2015, and more than 3 months after the termination of all previous tenancy agreements, and was, therefore, incompetent insofar as it related to that, or any previous such agreement;

## **DECISION**

The Tribunal rejects the Application as incompetent.

### **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**

**15 March 2019**

**Date**