



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

Chamber Ref: FTS/HPC/PR/18/2007

Re: Property at 48 Muir Street, Larkhall, ML9 2BQ (“the Property”)

Parties:

Mr Alan Martin, 40 Le Froy Gardens, East Kilbride, G75 8BH (“the Applicant”)

**Mr John Grove, Ms Victoria Grove, 2 Elmbank, Lesmahagow, ML11 0EA; 2
Elmbank, Lesmahagow, Lanarkshire, ML11 0EA (“the Respondent”)**

Tribunal Members:

Mark Thorley (Legal Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Respondent pay to the Applicant the sum of
£425.00 (Four Hundred and Twenty Five Pounds)**

Background

By application dated 4 August 2018 the Applicant applied to the Tribunal under Rule 103. The application was accompanied by a copy of the tenancy agreement dated 2 September 2011, an exchange of correspondence confirming the tenancy end date of 15 May 2018 and a copy of the deposit protection certificate dated 15 March 2018

The Case Management Discussion

At the discussion the Applicant appeared along with the Respondent Mr John Grove. It was accepted by Mr Grove that the deposit had not been placed in to a deposit scheme until 15 March 2018. It was also accepted that the tenancy had commenced on 2 September 2011. There were no dispute about the facts. The tenancy deposit had been returned in full to the Applicant.

The Respondent indicated that he and his wife managed to let properties and that the other property had no deposit. He had thought (or misread) that he did not have to put this deposit in to the scheme.

The applicant understood that it was only after he had written to the Respondents on 12 March 2018 that the money had been placed in a scheme.

Findings in Fact

That the tenancy between the parties was constituted by Tenancy Agreement dated 2 September 2011

That the Respondent paid then a deposit of £425.00

That the deposit was not placed in to an approved scheme until 15 March 2018.

That the appropriate penalty was the sum of £425 .

Reasons for decision

There was no dispute on the facts of the case. The Respondents are not professional landlords. The deposit went unprotected for a period of more than 6 years.

The tenancy deposit has been repaid in full.

Balancing all matters the appropriate penalty is the deposit figure namely £425.00

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.

Mark Thorley

Legal Member/Chair

Date

3. Oct 2018.