

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**

Chamber Ref: FTS/HPC/PR/18/1896

Re: Property at 13 Rannoch Street, Glasgow, G44 4DF (“the Property”)

Parties:

Mrs Margaret Hastings, 0/2, 63 Edgemont Street, Glasgow, G41 3EJ (“the Applicant”)

Miss Karen Haas, Flat 2/1, 13 Rannoch Street, Glasgow, G44 4DF (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member)

Decision

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

This is an application under rule 103 of the Tribunal Rules of Procedure for payment of an amount in terms of regulation 10 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 ('the Regulations'). It called at 10am on 21 September 2018 for a case management discussion.

- Findings in Fact

The following facts, so far as relevant, are accepted by both parties:

1. The Applicant rented the Property from the Respondent, in terms of a tenancy agreement which commenced in October 2016. The Property was let via an agent at that point and no deposit was paid. At some point in early 2017 the Respondent dismissed her agent and contacted the Applicant to state that a deposit was required. The Applicant paid £150 towards this deposit on 29 June 2017, 31 July 2017 and 1 September 2017; and, finally, £125 on 29 September 2017. The total deposit paid was therefore £575.

2. Neither the Respondent nor anyone on her behalf paid the deposit into an approved scheme, in terms of the Regulations.
3. The Applicant raised this application on 26 July 2018. Prior to doing so, she had contacted the Respondent on 14 June 2018 raising the question of the deposit not having been paid to an approved scheme. The Respondent made no offer to compensate the Applicant for not having done so. She has made no such offer at any point.

- Reasons for Decision

4. The Respondent accepts that she has breached the terms of the regulations. While she states she was unaware of those terms, it is incumbent on landlords to make themselves aware of all legal duties they have towards their tenants before contracting with them. Notwithstanding that the issue was raised with her, she did not make any attempt to compensate the Applicant for her failure to comply with the Regulations. As a result, the Applicant has been put to the inconvenience of having to make this application and attend a Case Management Discussion.
5. The Regulations state (at reg.10) that, if satisfied that a duty under reg.3 was not complied with, the Tribunal, "must order the landlord to pay an amount not exceeding three times the amount of the tenancy deposit." Taking into account the Respondent's failure to take any action to settle this matter, even after she became aware of her breach of the regulations, I considered it fair, just and reasonable to require her to make a payment of £1,725, being three times the deposit, to the Applicant.

- Decision

That an order for payment of the sum of £1,725 (ONE THOUSAND SEVEN HUNDRED AND TWENTY-FIVE POUNDS STERLING) by the Respondent to the Applicant be made.

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.

Nairn Young

Legal member/Chair

21 SEPTEMBER 2018
Date