



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

Chamber Ref: FTS/HPC/PR/19/1661

**Re: Property at 15 1F2 Upper Grove Place, Edinburgh, EH3 8AY (“the
Property”)**

Parties:

Ms Alana Tyrell, 10/1 St Leonards Crag, Edinburgh, EH8 9SP (“the Applicant”)

**Mr Samuel Hyams Stirling, 60 Clouds Hill Avenue, Bristol, BS5 7JE (“the
Respondent”)**

Tribunal Members:

Eleanor Mannion (Legal Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order be granted in the sum of £750.**

A Case Management Discussion took place on 10 September 2019 on foot of an application made by the Applicant with regard to the protection of her tenancy deposit. Representations were put forward by the Respondent by email on the 23 August 2019. Both Applicant and Respondent were present at the hearing.

The Applicant advised that her tenancy began on 4th September 2018 and she provided a deposit of £750, which she was advised would be protected in a safe deposit scheme. In or around January 2019, she considered moving and wanted to confirm details of what funds were to hand. She became aware that her deposit was not protected and contacted the Respondent. She was informed her deposit was not protected.

The Respondent advised that this was his first experience as a landlord, having registered as a landlord in or around August 2018. When the tenancy began on 4th September 2018, he received the deposit and at that time set up an account with

Safe Deposit Scotland. He has difficulties with the platform and left it without ensuring that the deposit was protected. At the same time, he was in the final section of his architecture degree and was suffering from depression. He was unable to keep on top of basic tasks including admin. When he later went to protect the deposit, he saw a message on the Safe Deposit Scotland website which said that if it was not protected within 30 days, you can be charged up to three times the amount of the deposit. He didn't know what to do. When the Applicant contacted him in January 2019, he advised her of the difficulties he had and resolved the issue, protecting the deposit within a few days.

Noting that the Respondent was aware of his legal obligations, having referred to the protection of the deposit in initial correspondence with the Applicant, and despite attempting to protect the deposit correctly, this was not done within the time frame of 30 days and indeed not until January 2019. As such the Tribunal is required to make an order in favour of the Applicant. When considering what amount was appropriate, the Applicant advised that she was seeking 1 times the amount of her deposit, amounting to £750. Taking into account the health difficulties of the Respondent in the autumn of 2018, the Tribunal decided to make an order in respect of £750, representing 1 times the amount of the Applicant's deposit.

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.

E. Mannion

Legal Member

10/9/19

Date