

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/18/2519

**Re: Property at North-Facing Room, 3/4 Gifford Park, Edinburgh, EH8 9NF
("the Property")**

Parties:

**Mr Youbing Zhang, 18/1 Roseneath Terrace, Edinburgh, EH9 1JN ("the
Applicant")**

**Dr Xiping Wu, 2/2017 James Clerk Maxwell Building, The University of
Edinburgh, Kings Buildings, Edinburgh, EH9 3FD ("the Respondent")**

Tribunal Members:

Nairn Young (Legal Member)

Decision (in absence of the Applicant)

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

- **Background**

This is an application for an order under Regulation 10 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 ('the Regulations'). It called for a case management discussion at 10am on 22 February 2019. The Applicant was not present or represented. The Respondent was not present in person, but was represented by his wife, Ms Shufen Liu.

- **Findings in Fact**

The following facts were not disputed by the parties:

1. The Property was let to the Applicant by the Respondent in terms of a tenancy that was a relevant tenancy in terms of Regulation 3 of the Regulations. The

tenancy commenced on 12 May 2018. A deposit of £500 in relation to the tenancy was paid by the Applicant to the Respondent on 9 May 2018.

2. The Respondent did not pay the deposit to the scheme administrator of an approved scheme, or provide the Respondent with the information required by Regulation 42 of the Regulations.
 3. The tenancy was ended on 28 July 2018. The Respondent returned the Applicant's deposit in full on 1 August 2018.
 4. This application was raised on 17 September 2018. Through his previous representative, the Respondent apologised to the Applicant for not having complied with the Regulations and offered to pay him £500 in compensation.
- Reasons for Decision
5. The Respondent admits having failed to comply with any of the terms of Regulation 3. This is a serious failure. Nonetheless, he has shown that his intentions were not dishonest by returning the deposit promptly (and in full) at the termination of the tenancy. He has also apologised for his failure and offered to settle the matter (albeit late in the process of the application through the Tribunal).
 6. The Tribunal must order a sanction for the breach of Regulation 3. Taking into account the factors mentioned above, it is appropriate for this to be set at one times the deposit (£500).

- Decision

Order for payment of the sum of £500 (FIVE HUNDRED POUNDS STERLING) by the Respondent to the Applicant.

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.

N Young

Legal Member/Chair

22 FEBRUARY 2019

Date