

**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 9 of the Tenancy Deposit (Scotland) Regulations 2011**

**Chamber Ref: FTS/HPC/PR/19/1597**

**Re: Property at 2/6 Brunton Place, Edinburgh, EH7 5EG ("the Property")**

**Parties:**

**Miss Bianca Mata, (3F1), 14/7 Kirk Street, Edinburgh, EH6 5EY ("the Applicant")**

**Mr Stephen Grant Lane, 2/3 Brunton Place, Edinburgh, EH7 5EG ("the Respondent")**

**Tribunal Members:**

**Mark Thorley (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order for payment by the Respondent to the Applicant of the sum of £500 be made.**

**Background**

The applicant applied to the First-tier Tribunal under Rule 103. Along with her application the applicant lodged the Private Residential Tenancy Agreement together with an email from Letting Protection Scotland confirming that the deposit in the case was lodged from 6 October 2018 and email correspondence from the respondent. The application was served on the respondent. Written representations have been received.

In terms of written representations the respondent acknowledges that the deposit was not lodged timeously, the tenancy having commenced on 17 March 2018 and came to an end on 23 May 2019.

**M Thorley**

## **Case Management Discussion**

At the Case Management Discussion the applicant attended along with her representative Mr Gibb. The respondent attended along with a supporter Dr Wilkie.

At the Case Management Discussion the respondent reiterated what had been said within the written representations. The respondent acknowledged that the tenancy had commenced on 17 March 2018 and that a deposit of £650 had been paid by the applicant at that time. Accordingly the deposit required to be paid into a protected scheme within 30 days of that date. It was not and the deposit was only lodged on 6 October 2018. Accordingly there was a period of about six months when the deposit was unprotected.

Subsequently to the end of the tenancy the whole amount of the deposit has been repaid to the applicant within three days

The respondent further indicated that he had reduced the applicant's rent from 17 August from £650 to £600.

The respondent further indicated that he is a registered landlord and has been so for a number of years. This is the first occasion where he has had any such issue.

The respondent also confirmed at the time of the commencement of the tenancy he and his wife had various stresses ongoing.

## **Findings in Fact**

1. That the parties entered into a Private Residential Tenancy for the premises at Flat 2/6 Brunton Place, Edinburgh with a start date of 17 March 2018.
2. The rental was due to be £650 paid on 17 March 2018 and thereafter monthly.
3. The amount of the deposit was £650 and was paid by the applicant.
4. The respondent failed to lodge the deposit in an approved scheme until 6 October 2018.
5. The tenancy ended on 23 May 2019.
6. The tenancy deposit was returned in full.
7. That the landlord should pay to the tenant the sum of £500.

**M Thorley**

### **Reasons for decision**

The respondent has accepted that the deposit was not paid into an approved scheme following upon the commencement of the tenancy. The tenancy was unprotected for approximately six months.

The respondent is an experienced landlord.

In mitigation it was accepted by the applicant that the respondent did reduce her rent by the sum of £50 per month from August 2018. In addition that the tenancy deposit was repaid in full within 3 days

Balancing all factors here an order for payment of £500 should 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.

**M Thorley**

\_\_\_\_\_  
Legal Member/Chair

19 July 2019  
\_\_\_\_\_  
Date