

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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### **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/22/0101

**Property:** 5 Saltmarket Place, Glasgow G1 5NF (“the Property”)

**Parties:** Miss Dhanashree Raikar, 1 Goyal Shinde Park, Bopodi Pune 411020, India  
 (“the Applicant”)

and

Burnview Properties (Scotland) Ltd

KPM Residential Ltd, 23 Park Circus, Glasgow G3 6AP (“the Respondents”)

### **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 respondents to the applicant of the sum of £550 be made.

### **Background**

1. The applicant applied to the Tribunal for an order under Regulation 9 of the Tenancy Deposit Schemes (Scotland) Regulations 2011. The application was made on 14 January 2022. Accompanying the application was a copy of the Tenancy Agreement for a tenancy commencing on 22 January 2020 together also with an email from Safe Deposit Scotland dated 17 December 2021. Other emails were also attached regarding the termination of the tenancy.
2. The Tribunal acknowledged receipt of the application on 18 January 2022. Further information was sought from the applicant. That information was received and the Tribunal on 26 January 2022 accepted the application.

### **Case Management Discussion**

3. At the case management discussion Mr Malik for KPM Residential Ltd appeared for the respondents. There was no appearance by or for the applicant.
4. The respondents confirmed that the information provided by the applicant was correct. She had commenced her tenancy on 20 January 2020. A deposit of £550 was paid on 11 December 2019. The deposit was not protected until 4 March 2020.
5. The respondents had made an offer to the applicant in the sum of £550 being one month's rent.

### **Findings in fact**

6. The applicant entered into a Private Residential Tenancy Agreement with the respondents for the property at 5 Saltmarket Place, Glasgow G1 5NF with a commencement date of the lease of 22 January 2020. Rent was payable in the sum of £550 per month.
7. The applicant paid a deposit of £550 on 11 December 2019. The deposit was not secured within thirty days from the commencement of the tenancy.
8. The respondents offered to make payment of the sum of £550.

### **Reason for decision**



9. The applicant did not attend at the case management discussion. There was sufficient information to determine matters. It was not in dispute that the tenancy had commenced on 20 January 2020. It was also clear that the deposit had not been protected until 4 March 2020. Accordingly there was a "relatively short period" when the deposit was not within a scheme. This amounted to some thirteen days.
10. The respondents are a large firm of residential agents. They have many properties. There were difficulties with an employee in terms of lodging deposits. That matter has now been resolved.
11. The offer that the respondents had made to applicant was a fair one. It amounted to one month's deposit.
12. The whole of the deposit had been returned to the applicant at the conclusion of the tenancy.
13. Accordingly the Tribunal agreed to make an order for payment in the sum of one month's rent namely £550.

### **Decision**

To grant an order for payment by the respondents to the applicant of the sum of £550.

**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**  
**5<sup>th</sup> April 2022**