

**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/19/2737**

**Re: Property at 1/1 185 West Princes Street, Glasgow, G4 9BZ ("the Property")**

**Parties:**

**Miss Kathleen Hughes, 79 Blantyre Gardens, Blackwood, Cumbernauld,  
Glasgow, G68 9NJ ("the Applicant")**

**Mr Samiul Khan, 1 Kessington Square, Bearsden, Glasgow, G61 2QQ ("the  
Respondent")**

**Tribunal Members:**

**Mark Thorley (Legal Member)**

**Decision (in absence of the Respondent)**

**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 £581.25**

- **Background**

The applicant applied to the Tribunal under the Tenancy Deposit Schemes (Scotland) Regulations 2011 and under the Tribunal Rules 103. In addition the applicant lodged a copy of the Tenancy Agreement including evidence of the date of the end of the tenancy. There was no written representation received from the respondent.

A certificate of service confirmed that Sheriff Officers had deposited service of the proceedings at his home address.

- **The Case Management Discussion**

At the case management hearing the applicant attended.

There was no appearance by or for the respondent

- **Findings in Fact**

1. That the Tenancy Agreement between the applicant and the respondent was the lease of a property at 185 West Princes, Flat 1/1, Glasgow by Tenancy Agreement.
2. The date of entry was 1 October 2018. The applicant had an earlier lease of the same property which had ended after a 12 month period. Her deposit had initially been lodged within an approved scheme. It was subsequently uplifted after the end of the first tenancy and repaid to the respondent for the "second tenancy"
3. The rent was to be £800 per month between the 2 tenants
4. The deposit of £387.50 was paid.
5. The respondent failed to lodge the tenancy deposit within an approved scheme within 30 days of 25 February 2019.
6. The applicant had sought assurances by email from the respondent that the deposit was lodged in a scheme.
7. The deposit was not protected from 25 February 2019 until October 2019.
8. The applicant had received the full amount of her deposit back within 7 days of the conclusion of her tenancy.
9. That the respondent should be ordered to pay the applicant the sum of £581.25 representing one and a half times the deposit.

- **Reasons for Decision**

The applicant attended but the respondent did not.

The applicant spoke to the circumstances of the case. She was a tenant of the respondent from 2017 . There was an initial tenancy which ended and a second tenancy was created. The applicants deposit was initially put into an approved scheme in the "first " tenancy . The tenancy ended and a second tenancy created. The applicants deposit was uplifted and the respondent received it again.

The respondent did not from 25 February 2019 put this in to an approved scheme. He was chased by the applicant for this.

The deposit was unprotected from February 2019 until the end of the tenancy in October 2019.

At the end of the tenancy in October 2019 the applicant received back the whole of her deposit within approximately a week of the tenancy.

Taking in to account all the factors an award of 1 ½ times the deposit was made.

- **Decision**

To make an award for payment by the respondent to the applicant of the sum of £581.25

## 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

30 October 2019

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Legal Member/Chair

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Date