



**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/25/2475

Re: Property at 88 Canal Street, Perth, PH2 8HX (“the Property”)

Parties:

**Ms Isabella Swyst, Mr Michael Stolkarts, 37 W Erie St, Apt 1, Albany, NY, 12208,,
United States; 37 W Erie St, Apt 1, Albany, NY, 12208, United States (“the
Applicants”)**

**Mr Fraser Potter, Struan, Coulterenny Farm, Perth, PH1 4AQ (“the
Respondent”)**

Tribunal Members:

Nairn Young (Legal Member)

Decision

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

- Background

This is an application for an order for payment of a sanction for an alleged failure on the part of the Respondent to meet his duties under regulation 3 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 (‘the Regulations’), as the Applicants’ landlord in receipt of their tenancy deposit. It called for a case management discussion at 2pm on 23 July 2026, by teleconference. The second-named Applicant was on the call in-person, and confirmed that he spoke for both Applicants. The Respondent was also on the call in-person.

- Findings in Fact

The relevant facts in this case are not in dispute, as follows:

1. The Applicants paid a deposit of £1,125 to the Respondent in terms of a private residential tenancy agreement concerning the Property, on 20 April 2024.
2. The Respondent did not pay the deposit into an approved scheme and did not comply with any of the other duties incumbent on him under regulation 3 of the Regulations.
3. The Applicants terminated the tenancy on 4 May 2025.
4. The Respondent repaid the deposit in full after completing the inspection of the Property.
5. The Respondent is aware of his duties as a landlord and his failure was a result of an isolated oversight on his part.

- Reasons for Decision

6. The Respondent admits a complete failure to carry out the steps required of him under regulation 3. He states that this was only an isolated oversight and does not reflect on his general practice.
7. The Tribunal considers that a failing of this sort is a serious matter; and noted that the Applicants' deposit went unprotected for the whole of their tenancy (amounting to just over one year). Nonetheless, the actual impact on the Applicants was slight, since the deposit was returned in full, shortly after the end of the tenancy. The Tribunal was satisfied that this was an isolated error on the part of the Respondent. It considered that a sanction towards the lower end of the scale would therefore be appropriate.

8. Taking everything into account, the Tribunal considered that a sanction of one-half times the deposit (i.e. £562.50) was fair.

- Decision

Order made for payment by the Respondent to the Applicants of the sum of FIVE HUNDRED AND SIXTY-TWO POUNDS AND FIFTY PENCE STERLING (£562.50).

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.

Nairn Young

Legal Member/Chair

Date

23 July 2026