



**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/19/2770**

**Re: Property at 13A Causewayhead Road, Stirling, FK9 5EG (“the Property”)**

**Parties:**

**Miss Holly Conway, Mr Corri Campbell, Mr Rhys Taylor, 15B Barnton Street,  
Stirling, FK8 1HF; Caitha Cottage, Bowland, Galashiels, TD1 2NF; 17 Copeland  
Point, Donaghadee, County Down, Northern Ireland, BT21 0JU (“the  
Applicants”)**

**Miss Gloria Ahdie, Flat 33, 559 Finchley Road, London, NW3 7BJ (“the  
Respondent”)**

**Tribunal Members:**

**Nairn Young (Legal Member)**

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

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

- Background

This is an application for an order for payment in terms of regulation 10 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 (‘the Regulations’). It called for a case management discussion (‘CMD’) at 2pm on 20 January 2020, to be carried out by conference call. The Applicants were on the line in person. The Respondent did not call in to join the CMD and was not represented.

- Findings in Fact

1. The Applicants had a private residential tenancy with the Respondent in relation to the Property, commencing on 1 June 2019. In terms of that agreement, a deposit of £1,200 was to be paid on or before the start date. The Applicants paid £200 towards the deposit on 13 March 2019, £800 on 14

March 2019 and £200 on 15 March 2019. There was no agreement with the Respondent that the deposit was to be paid in instalments. Nonetheless, the full deposit was paid by 15 March 2019. The Respondent did not pay the deposit into an approved scheme until 15 July 2019. That date is 31 working days after the beginning of the tenancy. On the same date, she provided the Applicants with the information required by regulation 42 of the Regulations. She informed the deposit scheme in question that she had only received the deposit on 1 July 2019.

2. This application was raised on 5 September 2019. The Applicants' tenancy came to an end on 10 September 2019.
  - Reasons for Decision
3. On the facts as found, the Respondent failed to comply with the obligations incumbent upon her in terms of regulation 3 of the Regulations. She did not pay the deposit to the scheme administrator of an approved scheme and provide the Applicants with the information required by regulation 42 within 30 working days of the beginning of the tenancy. Her failure was relatively slight, in that she was only late in completing the actions required by one day. However, regulation 10 of the Regulations is clear that, if the Tribunal finds that a landlord has not complied with any duty in regulation 3, it must order that landlord to pay the tenant an amount not exceeding three times the amount of the deposit in question.
4. In this case, while the failure on the part of the Respondent may be slight, the Tribunal notes that the Respondent also provided inaccurate information to the deposit scheme in relation to the date she received payment of the deposit. Even if this was unintentional, it was careless and misleading, and demonstrates a failure to give this matter the attention required. Taking these points into account, the Tribunal considered that an order for payment of an amount equal to twice the deposit (£2,400) was appropriate.
5. As the deposit has been lodged with an approved scheme, there is no need to make any further order in terms of regulation 10(b) of the Regulations.
  - Decision

**Order granted for payment by Respondent to the Applicants of the sum of £2,400 (TWO THOUSAND, FOUR HUNDRED POUNDS STERLING).**

## 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

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Legal Member/Chair

20 JANUARY 2020  
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Date