



**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/18/3374**

**Re: Property at 3 Kinnessburn Road, St Andrews, KY16 8AG (“the Property”)**

**Parties:**

**Mr Stuart Lewis, 4 Harewood Avenue, Kirk Sandall, Doncaster, DN3 1PD (“the Applicant”)**

**Mrs Grace Black, 45 Swan Spring Avenue, Edinburgh, EH10 6NA (“the Respondent”)**

**Tribunal Members:**

**Mark Thorley (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent pay to the Applicant the sum of £750.00 ( Seven Hundred and Fifty Pounds)**

**Background**

By application dated 4 December 2018 the applicant applied to the First-tier Tribunal under Rule 103. The application was accompanied by a copy of the Tenancy Agreement dated 8 April 2017, a copy letter from the applicant to the respondent dated 24 August 2017 and a copy letter dated 6 June 2018 from the applicant to the respondent.

**Mr Mark Thorley**

## Case Management Discussion

The Case Management Discussion proceeded by way of conference call. The Applicant was on the telephone. The Respondent attended along with her adult son. She had received notice from the Tribunal to attend in person.

The Respondent accepted that she had not placed the deposit of £500 in a tenancy deposit scheme throughout the length of the tenancy. There was a dispute following upon the termination of the tenancy and the Respondent had paid an electricity bill of over £200 to Scottish Power but the remainder of the monies had not been paid to the Applicant.

### Findings in Fact

1. That the tenancy was created by lease dated 8 April 2017
2. That the Applicant had paid a deposit of £500 in advance of the commencement of the lease.
3. That the Applicant had leased the property from 1 September 2017 to 31 May 2018.
4. That at no point had the deposit been placed in an approved deposit scheme.
5. That the deposit had not been repaid to the Applicant.

### Reasons for Decision

The Respondent accepted not having placed the money in a scheme or returning any part of the deposit to the Applicant. Whereas there may be a dispute about a Scottish Power bill that has been paid by the Respondent at the end of the tenancy this did not preclude the money being paid in to a scheme.

This is the only property let by the Respondent and she may be regarded as fairly amateur .

The sum imposed by way of penalty was £750.

Mr Mark Thorley

## 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.

# Mr Mark Thorley

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Legal Member

7 Feb 2019  
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Date