

SETTLEMENT OFFER AND NOTICE OF INTENDED APPLICATION

First-tier Tribunal for Scotland
Housing and Property Chamber
Glasgow Tribunals Centre
20 York Street
Glasgow
G2 8GT

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**RE: SETTLEMENT OFFER AND NOTICE OF INTENDED
APPLICATION AGAINST
MURRAY & CURRIE PROPERTY SALES & LETTINGS
PROPERTY: 68 (4F2) CONSTITUTION STREET, EDINBURGH, EH6 6RR**

Dear Sir/Madam,

I am writing to offer Murray & Currie an opportunity to settle this matter privately before I submit a formal application to the First-tier Tribunal for Scotland (Housing and Property Chamber) regarding multiple breaches of the Tenancy Deposit Schemes (Scotland) Regulations 2011 and the Letting Agent Code of Practice (Scotland) Regulations 2016. I believe it is in both parties' interests to attempt to resolve these issues directly before engaging in formal tribunal proceedings.

Summary of Claim

This application concerns:

1. Failure to protect a £200 pet deposit in an approved tenancy deposit scheme, in breach of Regulation 3 of the Tenancy Deposit Schemes (Scotland) Regulations 2011
2. Multiple breaches of the Letting Agent Code of Practice (Scotland) Regulations 2016, specifically Sections 17-19 (transparency and provision of information) and Sections 25-28 (handling of client money)
3. Failure to respond adequately to a Subject Access Request under UK GDPR (Article 15) and the Data Protection Act 2018, which also constitutes a breach of Sections 17-19 of the Letting Agent Code of Practice
4. Professional time spent and financial losses incurred as a result of these breaches

Based on established tribunal precedents and a comprehensive assessment of all breaches, I am requesting total compensation as detailed in the enclosed documents.

Opportunity for Private Settlement

Before proceeding with a formal tribunal application, I am offering Murray & Currie the opportunity to resolve this matter through private settlement. In the interest of avoiding the time, expense, and reputational impact of tribunal proceedings for all parties, I invite you to propose a reasonable settlement figure that acknowledges the breaches detailed in this letter and the enclosed documents. Given the severity and multiplicity of the breaches, I will only consider a substantial settlement offer that properly reflects the serious nature of these violations.

I must emphasize that I am financially reliant on the resolution of this matter, which has already caused significant financial strain. Therefore, I require a response within 5 days of receipt of this letter. Should Murray & Currie choose not to propose an acceptable settlement within this timeframe, I will proceed with the formal tribunal application.

I would like to emphasize that this case involves a registered professional letting agent (LARN1904067) who should be fully aware of their legal obligations under the Housing (Scotland) Act 2014, the Tenancy Deposit Schemes (Scotland) Regulations 2011, and the Letting Agent Code of Practice (Scotland) Regulations 2016. Multiple tribunal decisions, including *Munro v Salmond* [2016] and *Kirk v Maple Leaf Property Management Ltd* [2021], have established that professional letting agents are held to higher standards than private landlords, and that pet deposits unequivocally fall within the scope of deposit protection regulations. The duration of the breach (over 2 years) and the explicit denial of legal obligations by Murray & Currie's "Deposits & Accounts Professional" further justify the compensation sought.

It is important to note that I have had to borrow money from my CEO to cover my former flatmate's share of the deposit. This is an unprecedented arrangement at my company and not standard practice, highlighting the exceptional financial strain this situation has caused.

The First-tier Tribunal for Scotland (Housing and Property Chamber) has clear jurisdiction over all aspects of this claim under Section 16 and

Section 48 of the Housing (Scotland) Act 2014. While I am submitting a separate complaint to the ICO regarding the GDPR violations, these same violations directly constitute breaches of the Letting Agent Code of Practice, particularly Paragraphs 17-19 regarding transparency and provision of accurate information, and thus fall squarely within the Tribunal's jurisdiction as established in recent case law.

Enclosed Documents

I have enclosed the following documents in support of my application:

1. Formal tribunal complaint with detailed allegations
2. Chronological record of all communications with Murray & Currie
3. Compensation calculation summary
4. Reference cases supporting the compensation claim
5. Supporting evidence including the Letting Agent Code of Practice and ICO guidance

Request for Action

I respectfully request that Murray & Currie:

1. Review the enclosed documentation detailing the breaches and compensation calculation
2. Propose a reasonable settlement figure that appropriately acknowledges the seriousness of the breaches
3. Respond within 5 days of receipt of this letter with their settlement proposal
4. Be prepared to implement the settlement promptly if we reach an agreement

Due to my current financial circumstances and reliance on the resolution of this matter, if I do not receive a satisfactory response within 5 days, I will have no choice but to proceed immediately with filing a formal application to the First-tier Tribunal.

Should you wish to discuss this matter further or require any additional information, please do not hesitate to contact me using the details provided above.

Thank you for your consideration of this matter.

Yours faithfully,

Kyle Mallon

Enclosures: Tribunal complaint and supporting documentation