

REFERENCE CASE SUPPORT FOR COMPENSATION FIGURES

Applicant: Kyle Mallon, 6/15 Hesperus Crossway, Edinburgh, EH5 1GH

Respondent: Murray & Currie Property Sales & Lettings

Property Address: 68 (4F2) Constitution Street, Edinburgh, EH6 6RR

This document analyzes how the reference cases support the compensation figures requested in the tribunal complaint.

1. Tenancy Deposit Scheme Violation (£600)

Supporting Case Law:

Darren Rollett & Julia Mackie [2019] UT 45

- Established criteria for maximum award (3× deposit)
- Identified factors justifying maximum awards including "deliberate failure" and "denial of fault"
- Our case matches these criteria as Murray & Currie deliberately claimed pet deposits are exempt

FTS/HPC/PR/19/3527 (Multiple Deposit Case)

- Awarded £3,000 (3× total deposit of £1,000)
- Tribunal found "deliberate attempt to circumvent regulations by labeling part of deposit as 'pet fee'"
- Directly comparable to our case where the agent claimed the pet deposit was exempt

FTS/HPC/PR/19/1012 (Pet Deposit Case)

- Confirmed that ALL deposits must be protected, including pet deposits
- Rejected the argument that pet deposits are exempt
- Landlord's misunderstanding was not considered a mitigating factor

2. Letting Agent Code of Practice Breaches (£4,000-£8,000)

While the reference cases don't provide specific monetary awards for Code of Practice breaches, they establish:

Professional Standards

- Professional letting agents are held to higher standards than individual landlords
- FTS/HPC/PR/19/3527 noted that experience with multiple properties increases culpability
- Murray & Currie, as a professional agency, should be held to the highest standard

Pattern of Violations

- Multiple tribunal cases show that patterns of non-compliance warrant higher penalties
- Our case demonstrates multiple breaches across different sections of the Code

Compensation Range

- The requested £500-£1,000 per breach is proportionate to the deposit scheme violation penalties
- This follows the principle established in Kirk v Singh 2015 that compensation should be "fair, proportionate and having just regard to the seriousness of the breach"

3. GDPR Violations (£1,250-£2,500)

Supporting ICO Cases:

Trust Case (December 2024)

- ICO issued reprimand for failing to respond to 32% of SARs within statutory timeframe
- Our case involves complete failure to respond adequately to SAR

Healthcare Provider Case (2021)

- £25,000 fine for excessive delays in responding to SARs
- While our case involves a single SAR, the principle that delays warrant penalties is established

Financial Services Company (2022)

- Reprimand for providing incomplete responses to SARs
- Similar to our case where the response was inadequate

4. Professional Time and Financial Losses (£3,430-£5,610+)

Supporting Principles from Cases:

Actual Losses

- Darren Rollett & Julia Mackie [2019] UT 45 identified "actual losses to tenant" as a factor in determining compensation
- Our calculation of professional time and financial losses represents actual losses suffered

Time Value

- While not explicitly mentioned in cases, the principle that a tenant's time has value is implicit in the compensation structure
- The professional rate calculation is based on standard industry practice for converting salary to freelance rates

Stress and Inconvenience

- Multiple tribunal cases acknowledge that non-compliance causes stress and inconvenience to tenants
- Our requested compensation for this aspect is modest and proportionate

Conclusion

The total compensation range of £9,280-£16,710 is well-supported by reference cases when considering:

1. The maximum multiplier (3×) for the deposit violation is justified by cases involving professional letting agents who deliberately misrepresented deposit requirements

2. The compensation for Code of Practice breaches follows the proportionality principle established in tribunal cases
3. The GDPR violation compensation is conservative compared to fines issued by the ICO for similar violations
4. The compensation for professional time and financial losses represents actual damages suffered, a factor explicitly recognized in tribunal decisions

The requested compensation is therefore reasonable, proportionate, and in line with established precedents for similar violations.