

FORMAL APPLICATION TO THE FIRST-TIER TRIBUNAL

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

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June 10, 2025

**RE: FORMAL APPLICATION AGAINST
MURRAY & CURRIE PROPERTY SALES & LETTINGS
PROPERTY: 68 (4F2) CONSTITUTION STREET, EDINBURGH, EH6 6RR**

Dear Sir/Madam,

I am writing to 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 by Murray & Currie Property Sales & Lettings. Despite previous attempts to resolve these matters directly with the agency, they have failed to acknowledge their legal obligations, necessitating this formal application.

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.

Previous Attempts at Resolution

I have made multiple attempts to resolve this matter directly with Murray & Currie. On several occasions, I offered them the opportunity for private settlement to avoid tribunal proceedings. Despite providing clear evidence of their legal obligations and ample time to respond, the agency has consistently denied their responsibilities under Scottish law and failed to propose any reasonable resolution.

My most recent attempt at private resolution was made on May 15, 2025, wherein I outlined the breaches in detail and requested a response within a reasonable timeframe. No satisfactory response was received, leaving me with no alternative but to proceed with this formal 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
6. Tribunal decision excerpts providing relevant precedents
7. Statutory declaration attesting to the facts of this case

Request for Action

I respectfully request that the Tribunal:

1. Accept this application and schedule a hearing at the earliest possible date
2. Consider the comprehensive evidence provided regarding multiple breaches of Scottish law
3. Award the compensation detailed in the enclosed documents, which reflects the serious nature of these breaches and is supported by tribunal precedents
4. Consider the significant time and professional effort I have invested in preparing this case without legal representation

Due to my current financial circumstances and the significant impact these breaches have had on my financial stability and wellbeing, I would be grateful if this application could be processed as expeditiously as possible.

Should you require any additional information or clarification regarding any aspect of this application, 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