



Decision and statement of Reasons of the First Tier Tribunal (Housing and Property Chamber)

Under Rule 8 of the First Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ‘the Rules’.

In respect of application by Valeriia Kozelkova in terms of rule 103 of the Rules.

Case reference FTS/HPC/PR/26/3578

At Glasgow on the 17 August 2026, Lesley Anne Ward, legal member of the First –Tier Tribunal ‘the Tribunal’ with delegated powers of the Chamber President, rejected the above application in terms of Rule 8(1) (a) and (c) of the Rules

1. This is an application by Ms Valeriia Kozelkova for a penalty regarding a tenancy deposit in terms of rule 103 of the Rules.
2. The application was dated 29 July 2026 and was entered in the case management system of the tribunal chamber on 4 August 2026.
3. I have reviewed this application today and I have decided to reject it under rule 8 (1) (a) and (c) on the basis that it has no prospect of success and the tribunal has good reason to believe it would not be appropriate to accept it.

Reasons

4. Rule 103 of the Rules provides:

Where a tenant or former tenant makes an application under regulation 9 (First-tier Tribunal orders) of the 2011 Regulations, the application must—

(a)state—

(i)the name and address of the tenant or former tenant;

- (ii) the name, address and profession of any representative of the tenant or former tenant; and
- (iii) the name, address and registration number (if any) of the landlord;
- (b) be accompanied by a copy of the tenancy agreement (if available) or, if this is not available, as much information about the tenancy as the tenant or former tenant can give;
- (c) evidence of the date of the end of the tenancy (if available); and
- (d) be signed and dated by the tenant or former tenant or a representative of the tenant or former tenant.

5. Regulation 9 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 provides:

Requirements for making an application Regulation 9 of The Tenancy Deposit Schemes (Scotland) Regulations 2011 (1) A tenant who has paid a tenancy deposit may apply to the First-tier Tribunal for an order under regulation 10 where the landlord did not comply with any duty in regulation 3 in respect of that tenancy deposit. (2) An application under paragraph (1) must ... be made no later than 3 months after the tenancy has ended."

- 6. Rule 8(1)(a) of the Rules allows an application to be rejected by the Chamber President if ***"they consider that an application is vexatious or frivolous"***.
- 7. "Frivolous" in the context of legal proceedings is defined by Lord Justice Bingham in R-v- North West Suffolk (Mildenhall) Magistrates Court (1998) Env.L.R.9. At page 16 he states:- "What the expression means in this context is, in my view, that the court considers the application to be futile , misconceived, hopeless or academic".
- 8. The applicant in her email of 11 August 2026 with attachments has confirmed that the tenancy came to an end on 17 April 2026. This means that a completed application to the tribunal should have been made by 16 July 2026. The application is therefor time barred as it was not sent to the tribunal until 29 July 2026 which is after the three month period. It therefore has no prospect of success.
- 9. Further in terms of rule 8(1)(c) it would not be appropriate for the Tribunal to accept an application which is made out with the 3 months time limit stated in Regulation 9 of The Tenancy Deposit Schemes (Scotland) Regulations 2011. The tribunal has no discretion to extend this period.
- 10. The application therefore has to be rejected.

NOTE: What you should do now.

If you accept this decision there is no need to reply.

If you disagree with this decision you should note the following:

An applicant aggrieved by this decision of the Chamber President or any legal member acting under delegated powers 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 seek permission to appeal within 30 days of the date the decision was sent them. Information about the appeal procedure can be forwarded on request.

Lesley Anne Ward

Legal Member