



**DECISION AND STATEMENT OF REASONS OF PETRA HENNIG MCFATRIDGE LEGAL
MEMBER OF THE FIRST-TIER TRIBUNAL WITH DELEGATED POWERS OF THE CHAMBER
PRESIDENT**

Under Rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules
of Procedure 2017 ("the Procedural Rules")

in connection with

Case reference FTS/HPC/PR/26/3731

Parties

Mr Muhammad Araiz Zahid (Applicant)

19/1 Royston Mains Road, Edinburgh, EH5 1JN (House)

1. On 10.8.2026 the First –tier Tribunal for Scotland, Housing and Property Chamber (the FTT) received the application by the Applicant made under rule 103 of the Rules of Procedure.
2. On 13.8.2026 the FTT wrote to the applicant in the following terms: A legal member of the Tribunal has considered your application and has determined that further information is required before the application can progress: 1 Please provide a full legible copy of the tenancy agreement. The pages you have provided are blurry and difficult to read. 2 Please confirm the date the tenancy ended and provide any evidence of this. 3 You have applied under rule 103 for a penalty against the landlord because of their failure to lodge your deposit with a scheme. You have stated that you are also claiming the return of your deposit. You cannot seek the return of your deposit under rule 103. You must make a separate application under rule 111. The applications can be conjoined, if accepted, and heard together. 4 You have provided

screenshots of passports and other identification documentation for what appear to be third parties. Please note that any documents received will be sent to the respondent if the application is accepted. Please confirm that you have the consent from the third parties to disclose this information or withdraw the screenshots from the application. 5 The tenancy agreement appears to be signed by Mohammed Abdullah. The applicant is named as Mohammed Zahid. Please explain why this is the case. Please reply no later than 20 August 2026. Upon receipt of your response, we may seek further information from you before a decision is made on whether the application can proceed to a tribunal for full determination. If you fail to respond your application may be rejected by the Chamber President.

3. On 14.8.2026 the applicant provided a legible copy of the tenancy agreement showing the only tenant of the property named as a different individual and provided further text messages regarding the tenancy end. He stated that although notice had been given to the end of May 2026, the occupants remained in the property and paid rent in June 2026. He further stated he was named on the tenancy agreement as a witness in the signature part and clearly was connected to the tenancy. He advised the landlord had told him he would not be able to make this application because he was not a tenant. He also did not provide any authorisation from the persons whose passport details had been lodged and left it to the discretion of the Tribunal whether the documents were relevant and should be retained on file.
4. All documents are referred to for their terms and held to be incorporated herein.

B DECISION

1. I considered the application in terms of Rule 8 of the Procedural Rules. That Rule provides:-

"Rejection of application

8. —(1) The Chamber President or another member of the First-tier Tribunal under the delegated powers of the Chamber President, must reject an application if –

(a) they consider that the application is frivolous or vexatious;

(b) the dispute to which the application relates has been resolved;

(c) they have good reason to believe that it would not be appropriate to accept the application;

(d) they consider that the application is being made for a purpose other than a purpose specified in the application; or

(e) the applicant has previously made an identical or substantially similar application and in the opinion of the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, there has been no significant change in any material considerations since the identical or substantially similar application was determined.

(2) Where the Chamber President, or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, makes a decision under paragraph (1) to reject an application the First-tier Tribunal must notify the applicant and the notification must state the reason for the decision."

- 2. After consideration of the application, the attachments and correspondence from the Applicant, I consider that the application should be rejected in terms of Rule 8 (c) of the Rules of Procedure on the basis as the Tribunal has good reason to believe that it would not be appropriate to accept the application.**

C RELEVANT LEGISLATION

The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

103. Where a tenant or former tenant makes an application under regulation 9 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.

The Tenancy Deposit Schemes (Scotland) Regulations 2011

9.—(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.

D REASONS FOR DECISION

1. Rule 103 and Regulation 9 require the application to be made by a tenant or former tenant of a property.
2. In this case the tenancy agreement lodged shows the tenant to be a different individual and the applicant to be the witness on the tenancy agreement. Although the tenancy was entered into on 21.9.2025 and thus was a Private Residential Tenancy under the Private Housing (Tenancies) Act 2016 and not, as stated on the document, a Short Assured Tenancy under the Housing (Scotland) Act 1988, the tenant is clearly identified as one specific individual and this was then witnessed by the applicant. Whether the applicant may have also stayed at the property does not change the status as the single tenant being the individual named on the tenancy agreement as this formed the contractual basis of the tenancy. The applicant has not provided any evidence that the tenancy agreement was changed at a later date to a joint tenancy. In those circumstances I do not consider that the applicant is the person who can make this application. He is not a tenant or former tenant.
3. An application under Rule 103 also requires evidence to be given of the end date of the tenancy. The applicant had provided evidence that notice for the property had been given to 1 June 2026 but then stated that the tenancy continued after that date. On the other hand, he stated the tenancy had now ended. Given the contradicting information I consider that the applicant has not provided evidence required in terms of Rule 103 (c) of the Rules of Procedure.
4. I thus consider that the application was not validly made by a competent applicant and is not complete. The application thus could not be accepted and is rejected.
5. However, it should be noted that this would not prevent the tenant of the property making a valid application if they so wished. For the avoidance of doubt, the restrictions for applications under Rule 103 and Regulation 9 also do not apply to any potential claim for the return of a deposit.

What you should do now

If you accept the Legal Member's decision, there is no need to reply.

If you disagree with this decision:-

An applicant aggrieved by the 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 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. Information about the appeal procedure can be forwarded to you on request.

Petra Hennig-McFatridge

Petra Hennig McFatridge

Legal Member

18 August 2026