



**DECISION AND STATEMENT OF REASONS OF JOSEPHINE BONNAR,  
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 Procedure Rules")**

**in connection with**

**1A 33 Clevenden Drive, Glasgow ("the Property")**

**Case Reference: FTS/HPC/CV/22/4394**

**Ali Alaeq, Flat 1/R 142 Lochee Road, Dundee ("the Applicant")**

**Thomas Laird, 48 Southbare Gardens, Glasgow ("the Respondent")**

1. The Applicant lodged an application with the Tribunal seeking an order for repayment of a tenancy deposit in terms of Rule 111 of the Procedure Rules and Section 71 of the Private Housing Tenancies (Scotland) Act 2016. On 16 January 2023, the Tribunal issued a request for further information directing the Applicant to provide a copy of the tenancy agreement, evidence of payment of the deposit and details of the sum being sought. The Tribunal also requested clarification of the identity of the Respondent, as this appeared to be incorrect. The Applicant was also asked whether the Tribunal had jurisdiction, as the repayment of the deposit appeared to have been adjudicated by an approved tenancy deposit scheme. The Applicant has not responded to this request or to reminders sent on 6 March and 19 April 2023.

## **Decision**

2. After consideration of the application the Legal Member considers that the application should be rejected in terms of Rule 8(1)(c) which states that an application must be rejected if the Tribunal has “good reason to believe that it would not be appropriate to accept the application.”

## **Reasons for Decision**

3. The Applicant submitted an application for a payment order in terms of Rule 111 of the Rules. Rule 111 requires the Applicant to provide evidence to support the application and a copy of any relevant document. The Applicant did not provide a copy of his tenancy agreement or evidence that a deposit had been paid and not returned. In terms of Rule 5(3) of the Procedure Rules, the Tribunal can request further documents. The Tribunal made such a request on 16 January 2023 and again on 6 March and 19 April 2023 but the Applicant has not provided a response.
4. As the Applicant has failed to provide the documents required in terms of Rule 111 and has also failed to provide documents and information in response to a request for further information issued in terms of Rule 5(3), the Legal Member is satisfied that there is good reason to believe that it would not be appropriate to accept the application. The application is rejected on that basis.

## **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.

**Josephine Bonnar**

Josephine Bonnar, Legal Member  
13 June 2023