



**Decision with Statement of Reasons of Alan Strain, Legal Member of the First-tier Tribunal with delegated powers of the Chamber President of the First-tier Tribunal for Scotland (Housing and Property Chamber)**

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

**Chamber Ref: FTS/HPC/PR/23/2094**

**Re: 100 Victoria Road, Aberdeen, AB11 9DU ("the Property")**

**Parties**

**Mr David Mushoboorozi (Applicant)**

**Antti Ong (Respondent)**

**Tribunal Member:**

**Alan Strain (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the application should be rejected on the basis that it would not be appropriate to accept the application in terms of Rule 8(1)(c).**

**Background**

1. The application was received by the Tribunal under Rule 103 on 23 June 2023. The application was in respect of an alleged failure of the Landlord to protect a tenancy deposit under the **Tenancy Deposit Schemes (Scotland) Regulations 2011 (Regulations)**.

2. The application was considered by the Tribunal on 18 July 2023. The Applicant was asked to provide further information as follows:

*"With regard to your application under Rule 103 PR/23/2094 it appears that if the end of the tenancy was 30th March 2023 then your application is now time barred as all applications under Rule 103 have to be lodged and all relevant information included, which includes an address for the Respondent or a Service by Advertisement form, within 3 months of the end of the tenancy. As you have provided information that*

*indicates the tenancy ended on 30th March 2023 then the 3 months has now expired and we do not have sufficient information with your application to accept it. Please advise if you confirm the tenancy ended on 30th March and if so please advise if you wish to withdraw the application, failing which if the tenancy did end on 30th March your application will be rejected as it would be time barred."*

3. The Applicant did not respond. The Tribunal wrote again by letter of 14 August 2023 seeking a response by 28 August 2023.

No response was received.

### **Reasons for Decision**

4. The Tribunal considered the application in terms of Rule 8 of the Chamber 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;·*  
*(c) they have good reason to believe that it would not be appropriate to accept the application;*

*(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."*

5. The application seeks to proceed under Rule 103 and Regulation 9 of the Regulations. Rule 103 is in respect of applications where it is alleged the landlord has failed to protect a tenancy deposit. The Applicant has failed to provide necessary information. The Tribunal cannot grant an order under Rule 103 without the information requested.

6. The Tribunal consider that the failure to provide the requested information constitutes good reason why the application should not be accepted. The application is accordingly rejected.

### **Right of Appeal**

**In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal 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.**



**6 September 2023**

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**Legal Member/Chair**

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**Date**