

# Housing and Property Chamber

## First-tier Tribunal for Scotland



**Decision with Statement of Reasons of Karen Moore, 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 (Procedure) Regulations 2017 ("the Rules")**

**Chamber Ref: FTS/HPC/PR/23/4684**

Eyman Al Riyami 12 Barony Grove G72 7EU Cambuslang (Applicant)

GSPC Ltd Ms Carol Brown-Blair, Alexandra House, 204 Bath Street G2 4HW, Glasgow (Respondent)

12 Barony Grove G72 7EU Cambuslang (House)

Tribunal Member:

Karen Moore (Legal Member)

### **Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the application should be dismissed 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 and Regulation 9 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 on 28 December 2023.
2. The application was considered by the Tribunal. It was noted that the application stated that the tenancy ended on 18 July 2023. Regulation 9 of the said Regulations states that an application must be made no later than 3 months after the tenancy has ended. The Tribunal has no power or discretion to vary this time limit.
3. It was further noted that the application is made against the agent for the landlord and not the landlord himself. Whilst the Tribunal could request that the application be amended to conform to the Rules and Regulations, the fact that the application is out of time renders this irrelevant.

### **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 Tribunal cannot grant the application if it is outwith the statutory time limit. The Tribunal considers that there is good reason why the application cannot be accepted. Accordingly, the application is 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.**



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**Legal Member**

**Date 3 January 2024**