



**Decision with Statement of Reasons of Karen Moore, Legal Member of the Firsttier 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”)**

Case reference FTS/HPC/PR/24/1413

**Parties**

**Mr Steven Thompson (Applicant)**

**Safe Deposit Scotland (Respondent’s Representative)**

**4 Glencart Grove, Kilbarchan, PA10 2DH (House)**

**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 on 27 March 2024 under Rule 103 of the Rules and Regulations 9 and 10 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 (“the Regulations”).
2. The application cites the responding party as SafeDepositsScotland and narrates a complaint against that company. The application states that SafeDepositsScotland was not the landlord of the House but was the approved scheme in terms of the Regulations.
3. The Tribunal has no jurisdiction in respect of disputes with approved schemes, either in terms of the Rules or the Regulations. The Tribunal’s jurisdiction is limited to disputes between landlords and tenants. The Applicant was advised of this and was asked to consider withdrawing the Application. The Applicant was advised to take independent advice in respect of a pursuing the matter in a different forum. The Applicant did not withdraw the application.

**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. Rule 103 of the Rules of the Rules and Regulations 9 and 10 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 ("the Regulations") relate to disputes between landlords and tenants and do not provide jurisdiction in respect of any other parties. The Tribunal has no jurisdiction to grant the application. 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.**

# K. Moore

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Legal Member

Date

21 May 2024