



**Decision and statement of Reasons of the First Tier Tribunal (Housing and Property Chamber)**

**Under Rule 8 of the First Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ‘the Rules’.**

In respect of application by Ms Aliyah Dodd, Ms Elis Dodd and Ms Lisa Mcinnes in terms of Rule 111 of the Rules.

**Case reference FTS/HPC/CV/24/2759**

At Glasgow on 2 September 2024, Lesley Anne Ward, legal member of the First –Tier Tribunal ‘the Tribunal’ with delegated powers of the Chamber President, rejected the above application in terms of Rule 8(1) (c) of the Rules.

1. This is an application by Ms Aliyah Dodd, Ms Elis Dodd and Ms Lisa Mcinnes in terms of rule 111 of the Rules.
2. The application was dated 17 June 2024 and received by the Tribunal on 18 June 2024.
3. The in-house convenor reviewed the application and the Tribunal wrote to the applicant on 22 July 2024 as follows:

Before a decision can be made, we need you to provide us with the following:

- Your application has been brought under Rule 111. It appears that you are seeking return of an unlawful premium in the form of a holding deposit. An application for recovery of an unlawful premium must be brought under Rule 87, using a Form G. If you are seeking the return of a holding deposit please submit the correct Form G.
- Please note that the Tenancy Deposit Scheme (Scotland) Regulations 2011 apply to tenancy deposits, as opposed to holding deposits. Please clarify whether the payment of £700 was a tenancy deposit or a holding deposit.

- If the payment is a tenancy deposit and you are seeking the return of the deposit please amend the Form F to reflect this and resubmit.
- If you are also seeking payment as a result of the landlord's failure to lodge the deposit with an approved tenancy deposit scheme, please submit an additional Form G under Rule 103. Please note that application under Rule 103 must be lodged with all required information and documents no later than 3 months after the tenancy has ended.
- We would encourage you to seek independent legal advice before providing a response. You can find details of advice agencies in the Useful Links section of the Tribunal website. Please reply to this office with the necessary information by 5 August 2024. If we do not hear from you within this time, the President may decide to reject the application.

4. The applicant has not responded.
5. In terms of Rule 8(1) (c) of the Rules the Chamber President must reject an application if they have good reason to believe it would not be appropriate to accept it. I have reviewed this application today and I consider there are good reasons why it should not be accepted. It is incomplete, it is not clear what order or orders the applicant is seeking, and the applicant has failed to respond to a reasonable request by the Tribunal for further information. The applicant has therefore failed to cooperate with the Tribunal in the execution of its duties.
6. It is open to the applicant to resubmit the application in the correct form with the correct supporting information.

**NOTE: What you should do now.**

If you accept this decision there is no need to reply.

If you disagree with this decision you should note the following:

An applicant aggrieved by this 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 seek permission to appeal within 30 days of the date the decision was sent them. Information about the appeal procedure can be forwarded on request.

Lesley Anne Ward

Legal Member