

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rules 8(1) and 26 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Chamber Ref: FTS/HPC/PR/24/4845

1/2, 3 Hamilton Gardens, Glasgow, G12 8BD ("the Property")

Parties:

Rangers Football Club Limited ("Applicant")

DJ Alexander ("Respondent")

Tribunal Member: Ruth O'Hare (Legal Member) with delegated powers from the Chamber President

Decision

The Tribunal rejects the application by the Applicant received by it on 18 October 2024 under Rule 8(1)(c) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules").

Background

- 1 On 18 October 2024 the Applicant submitted an application to the Tribunal by email under Rule 103 of the Rules. The Applicants sought a payment order against the Respondent as a result of the Respondent's alleged failure to lodge their tenancy deposit with an approved deposit scheme.
- 2 On 24 October 2024 the Tribunal wrote to the Applicant noting that the tenancy agreement did not appear to be a private residential tenancy and asked for confirmation as to the legal basis upon which the Tribunal had jurisdiction to deal with the matter. The Tribunal also noted that the application was made against the letting agent whereas applications under rule 103 must be made against the landlord. The Tribunal requested a response from the Applicant within 14 days.
- 3 On 5 November 2024 the Applicant responded to query "*where in the legislation does it set out that the First Tier Tribunal only deals with tenants who are individuals*". The Applicant stated that a previous application had been made to the Tribunal by it in relation to the landlord failing to adequately maintain the property.

- 4 On 6 November 2024 the Applicant sent further emails to the Tribunal with copy email correspondence between the Applicant and Respondent and inventory reports.
- 5 On 8 November 2024 the Tribunal wrote again to the Applicant stating that the legislation applicable to the application was the Tenancy Deposit Scheme (Scotland) Regulations 2011. The Applicant was asked to provide legal submissions on why the application could proceed under Rule 103 with specific reference to the 2011 Regulations.
- 6 The Tribunal received no response. The Tribunal wrote again to the Applicant on 27 November 2024 asking the Applicant to provide the information previously requested.
- 7 The Tribunal received no response. On 19 December 2024 the Tribunal wrote again to the Applicant noting that the application appeared to be a replacement for a previous application lodged by the Applicant. The Applicant was asked to confirm if the application could be withdrawn on that basis. If the application was to proceed the Applicant was asked again for a response to the previous requests for information. A response was sought by 2 January 2025. The Applicant was warned that in the absence of a response the President may decide to reject the application.
- 8 No further response was received from the Applicant.

Reasons for Decision

- 9 The Legal Member considered the application in terms of the Rules and determined 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.” The basis of the decision is that the Applicant has failed to provide the information requested by the Tribunal under Rule 5(3) of the Rules. The information is necessary to satisfy the Tribunal that the application is competent and can be entertained. The Applicant has been asked for the information on three occasions. The Applicant has been asked if the application should instead be withdrawn but has failed to confirm this. The Applicant has been warned that a failure to respond may result in the application being rejected. Accordingly the Legal Member has concluded that the application cannot be accepted in its current form and must be rejected under Rule 8(1)(c).

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: A party 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.

Ruth O'Hare

Ruth O'Hare, Legal Member
10 January 2025