



**DECISION AND STATEMENT OF REASONS OF JOSEPHINE BONNAR,
LEGAL MEMBER OF THE FIRST-TIER TRIBUNAL WITH DELEGATED
POWERS OF THE CHAMBER PRESIDENT**

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

Case Reference: FTS/HPC/CV/24/5068

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

**Rangers Football Club Ltd, The Rangers Football Centre, 13 Auchenbowie
Road, Milngavie ("the Applicant")**

**D J Alexander (on behalf of the Landlord), The John Cotton Centre, 10
Sunnyside, Edinburgh ("the Respondent")**

1. The Applicant seeks an order for re-payment of a tenancy deposit in terms of Rule 111 of the Procedure Rules and Section 71 of the Private Housing Tenancies (Scotland) Act 2016. The Applicant was issued with a request for further information as it was noted that the Applicant is a limited company and not a natural person. This being the case, the tenancy cannot be a private residential tenancy. The Applicant failed to respond to the request or to a reminder issued by the Tribunal.

Decision

2. After consideration of the application, the Legal Member considers that the application should be rejected in terms of Rule 8(1)(c) of the Procedure Rules 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."

Reasons for Decision

3. The Applicant seeks repayment of part of a tenancy deposit. A tenancy agreement was lodged with the application. This states that the tenancy is not a private residential tenancy because the Tenant is not an individual.

4. In terms of Section 1 of the 2016 Act, a tenancy is a private residential tenancy (PRT) if it the property is let to an individual as a separate dwelling and the tenant occupies the property as their only or principal home. The Applicant is not an individual and, as a limited company, cannot occupy a residential property as its principal home. The tenancy appears to be a commercial lease. Section 71 of the 2016 Act states that the Tribunal has jurisdiction to deal with civil proceedings arising out of a PRT. As the tenancy is not a PRT, Section 71 does not apply and the Tribunal does not have jurisdiction. The application is rejected on that basis.
5. The Legal Member also notes that the application has been made against the wrong Respondent, the letting agent rather than the Landlord, and that the Applicant has failed to respond to requests for further information issued by the Tribunal in terms of Rule 5 of the Procedure Rules.

What you should do now

If you accept the Legal Member's decision, there is no need to reply.

If you disagree with this decision –

An applicant aggrieved by the 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 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. Information about the appeal procedure can be forwarded to you on request.

Josephine Bonnar

Josephine Bonnar, Legal Member
17 December 2024