



**DECISION AND STATEMENT OF REASONS OF JAMES BAULD, 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 Procedural Rules")

in connection with

Case reference FTS/HPC/PR/24/5511

Parties

Miss Natalie Young (Applicant)

1D Catherine Street, Arbroath, DD11 1RL (House)

1. The application was made under Rule 103 of the Procedural Rules being an application for order for a payment where a landlord has failed to carry out duties in relation to tenancy deposits. The application was accompanied by supporting documentation
2. By way of email dated 9 December a request for further information was sent to the Applicant. No response was received to that request
3. A second request for the further information was sent to the applicant by way of email dated 19 January 2025. No response was received to that request.
4. A third request for further information was sent on 29 January 2025.
5. The terms of that letter included the following:

“A Legal Member of the Tribunal has now reviewed your application and has noted that you have failed to respond to the Tribunal’s further information request dated 9 December 2024, a copy of which is attached for your attention, despite the Tribunal also having issued you with a reminder on 9 January 2025. A time limit of 23 January 2025 was stated in that reminder email which has not been complied with. Please note that if you are proceeding with a Rule 103 application, there is a strict time limit of 3 months from the end of the tenancy, so it is important for you to respond as quickly as possible. If you are not intending to proceed with the Rule 103 application, please notify us that this application is to be withdrawn to avoid any further necessary procedure. If you do not respond within the next 14 days, your application will be considered for rejection”.

6. No response has been received to that request.

DECISION

7. The circumstances in which an application is to be rejected are governed by 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;

(b) the dispute to which the application relates has been resolved;

(c) they have good reason to believe that it would not be appropriate to accept the application;

(d) they consider that the application is being made for a purpose other than a purpose specified in the application; or

(e) the applicant has previously made an identical or substantially similar application and in the opinion of the Chamber President or another member

of the First-tier Tribunal, under the delegated powers of the Chamber President, there has been no significant change in any material considerations since the identical or substantially similar application was determined.

(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."

- 8. After consideration of the application, the further information referred to and correspondence from the Applicant, the Legal Member considers that the application should be rejected on the basis that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Procedural Rules.**

REASONS FOR DECISION

9. Three requests were made for further information from the Applicant. This additional information requested was necessary to allow the application to proceed. The applicant was informed that the additional information was essential to allow further progress of the application and was warned that failure to respond may lead to the application being rejected.
10. In the absence of any response by the Applicant, it would not be appropriate to accept the application and accordingly it is rejected.

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.

Mr James Bauld
Legal Member
24 February 2025