

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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

**Chamber Ref: FTS/HPC/EV/24/4357 and FTS/HPC/EV/24/4355**

**150 Renfrew Street, Glasgow, G3 6RF ("the Property")**

**Parties:**

**Juliyas KC ("the Applicant")**

**Tribunal Member: Ruth O'Hare, Legal Member with delegated powers from the Chamber President**

**Decision**

The Tribunal rejects the application by the Applicant dated 27 August 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 27 August 2024 the Applicant submitted a Form F application form. The Applicant stated that he was relying upon Rules 65 and 66, as well as Rule 70 of the Rules. The application was therefore registered against three reference numbers, to reflect the three rules upon which the Applicant wished to proceed.
- 2 Following a review of the application by a Legal Member with delegated powers from the Chamber President, the Tribunal wrote to the Applicant by email querying why he had submitted the application under Rules 65 and 66, as a landlord trying to evict a tenant, when the application stated that he was seeking to have money repaid to him. The Applicant was advised that, unless he provided all of the necessary documents for an application under Rules 65 and 66, the applications would have to be withdrawn by the Applicant or the Tribunal would formally reject them.
- 3 On 23 October 2024 the Applicant provided a copy tenancy agreement and his residency permit to the Tribunal by email.
- 4 The Tribunal wrote again to the Applicant on 29 November 2024 noting again that he was seeking to recover part of his tenancy deposit. The Tribunal pointed

out that the relevant rules were likely to be either Rule 111 or Rule 70 of the Rules. The Applicant was asked to clarify which rule he sought to rely upon, and to confirm that the applications under Rules 65 and 66 could be withdrawn.

- 5 On 2 December 2024 the Applicant emailed the Tribunal a screenshot of his bank account evidencing payment of the tenancy deposit.
- 6 On 21 January 2025 the Tribunal wrote again to the Applicant asking him to confirm which rule he was relying upon, and to confirm that the other two applications could be withdrawn. The Applicant was encouraged to seek legal advice regarding his application.
- 7 On 22 January 2025 the Applicant responded by email to state that he wished to proceed under Rules 65 and 66.
- 8 On 1 March 2025 the Tribunal received a further email from the Applicant stating that he wished to proceed under Rule 111.

### **Reasons**

- 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.”
- 10 It is clear from the documents submitted by the Applicant that he is not seeking an eviction order under Rules 65 and 66. His claim is against his landlord for the return of his tenancy deposit. Despite repeated requests he has failed to confirm that the applications under Rule 65 and 66 can be withdrawn. Accordingly the Legal Member considers that there is good reason to reject the applications 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, Legal Member**  
**7 April 2025**

