



**Decision with Statement of Reasons of Karen Moore, Legal Member of the First-tier Tribunal with delegated powers of the Chamber President of the First-tier Tribunal for Scotland (Housing and Property Chamber), under Rule 8 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)**

Case reference FTS/HPC/PR/25/1495

**Parties**

**Miss Grace Eaves,(Applicant)**

**FLAT 2/1 268 PAISLEY ROAD WEST, GLASGOW, G51 1BJ (House)**

Tribunal Member:

Karen Moore (Legal Member)

**Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be dismissed on the basis that it would not be appropriate to accept the application in terms of Rule 8(1)(c).

**Background**

1. An application was received by the Tribunal under the Tenancy Deposit Schemes (Scotland) Regulations 2011 and Rule 103 of the Tribunal Rules.
2. The application stated that the tenancy ended on 30 June 2024. Regulation 9 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 states that an application must be made within three months of the end of the tenancy. The Regulations do not allow the Tribunal a discretion to waive this time limit.
3. As the application is time barred, it cannot succeed.

**Reasons for Decision**

4. The Tribunal considered the application in terms of 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; (c) they have good reason to believe that it would not be appropriate to accept the application; (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."*

5. The Tribunal cannot grant the application without evidence of compliance with the statutory procedure. The Tribunal considers that there is good reason why the application cannot be accepted. Accordingly, the application is rejected.

## **Right of Appeal**

**In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal 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.**

**Karen Moore**

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**Legal Member**

**Date**

**10 April 2025**