



**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/25/2018

**Parties**

**Mr John Gary Davenport-Owens (Applicant)**

**89 Old School Avenue, Polbeth, West Lothian, EH55 8FE (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. The application was received by the Tribunal under Rule 103 and Regulation 9 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 on 12 May 2025.
2. The application was considered by the Tribunal. It was noted that the application was incomplete and required the following information to allow it be accepted: the full name and residential address of the landlord; a copy of the tenancy agreement; evidence that the deposit was lodged late and evidence that the application had been made no later than 3 months after the tenancy has ended as the Tribunal has no power or discretion to vary this time limit.
3. The Applicant was contacted in writing on 14 and 27 May 2025 and was advised that a reply by 6 June 2025 was required or the application might be rejected. No reply was received.

**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 if it is outwith the statutory time limit and if it does not comply with the terms of Rule 103. 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.**

# K.Moore

**Legal Member**

**11 June 2025**