



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

Chamber Ref: FTS/HPC/PR/25/1378

Re: Property at 292 STONEYWOOD BRAE, ABERDEEN, AB21 9FB (“the Property”)

Parties:

MISS MARGARET RYAN, 292 STONEYWOOD BRAE, ABERDEEN, AB21 9FB (“the Applicant”)

Tribunal Members:

Ruth O’Hare, Legal Member with delegated powers from the Chamber President

Decision

The Tribunal rejects the application by the Applicant received by it on 2 April 2025 under Rule 8(1)(c) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”).

Background

- 1 This is an application under Rule 103 of the Rules and Regulation 9 of the Tenancy Deposit Scheme (Scotland) Regulations 2011. The Applicant sought a payment order as sanction for her landlord’s failure to lodge her deposit with an approved tenancy deposit scheme within the statutory timescale.
- 2 Following review of the application by a Legal Member of the Tribunal, the Tribunal wrote to the Applicant by email on 9 April 2025 in the following terms:-

“Your application has been referred to a legal member with delegated powers of the Chamber President. The legal member asks you to provide information as follows:

- 1. Please provide a copy of the tenancy agreement.*
- 2. The Tenancy Deposit Schemes (Scotland) Regulations 2011 require a deposit to be protected within 30 “working days”. Working days excludes Saturdays and*

Sundays and public holidays. It appears that the deposit was protected in time. Please provide your submissions as to why you consider the deposit was not protected in time.

Please provide the information requested within 14 days failing which your application may be rejected.

Please note that applications under Rule 103 must be lodged and accepted within 3 months of the end of the tenancy.

Please reply to this office with the necessary information by 23 April 2025. If we do not hear from you within this time, the President may decide to reject the application.”

- 3 The Tribunal received no response. On 26 April 2025 the Tribunal wrote again to the Applicant by email noting her lack of response. The Tribunal advised the Applicant that if she failed to provide the requested information within the next two weeks the Tribunal would have no option but to reject the application. The Applicant was therefore asked to provide her response by 10 May 2025.
- 4 No further response was received from the Applicant.

Reasons for decision

- 5 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.” The basis of the decision is that the Applicant has failed to provide the information requested by the Tribunal under Rule 5(3) of the Rules, which is necessary to meet the required manner for lodgement. The Tribunal has requested the information on two occasions. The Applicant has been advised that in the absence of a response her application will be rejected. Accordingly the Legal Member has concluded that the application cannot be accepted in its current form and there is therefore good reason to reject the application under Rule 8(1)(c).

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.

Ruth O'Hare

20 May 2025

Legal Member/Chair

Date