

**DECISION AND STATEMENT OF REASONS OF NICOLA IRVINE, 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 Rules")**

in connection with

**2/1, 1702 Shettleston Road, Glasgow, G32 9AW ("the Property")**

**Case Reference: FTS/HPC/PR/25/3066**

**Miss Paighton Menmuir (Applicant)**

1. The Applicant submitted an application in terms of Rule 103 of the Rules on 15 July 2025.

**DECISION**

2. The Legal Member 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;*

*(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.*

- 3. After consideration of the application and the documents submitted by the Applicant in support of same, the Legal Member considers that the application should be rejected on the basis that it is frivolous within the meaning of Rule 8(1)(a) of the Rules.**

### **Reasons for Decision**

4. 'Frivolous' in the context of legal proceedings is defined by Lord Justice Bingham in *R v North West Suffolk (Mildenhall) Magistrates Court*, (1998) Env LR9. He indicated at page 16 of the judgment; *"What the expression means in this context is, in my view, that the court considers the application to be futile, misconceived, hopeless or academic"*. It is that definition which the Legal Member has considered as the test in this application, and on consideration of this test, the Legal Member considers that this application is frivolous, misconceived and has no prospect of success.
5. On 18 July 2025, the Tribunal issued an email to the Applicant in the following terms:-

*Your application has been reviewed by a legal member of the First-tier Tribunal with delegated powers of the Chamber President who has raised the following matters:*

*This application bears to be lodged under rule 103 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. That rule deals with claims under the Tenancy Deposit Schemes (Scotland) Regulations 2011 which allow the tribunal to make an award of up to three times the deposit if a landlord has failed to place a tenancy deposit with an approved scheme in accordance with*

*the Regulations or has failed to provide the prescribed information. Applications under The Tenancy Deposit Schemes (Scotland) Regulations 2011 cannot be made later than 3 months after the tenancy has ended and that the date the application is held to be made is the date the Tribunal receives the last of any outstanding documents necessary to meet the required manner of lodgement. It is the responsibility of the Applicant to ensure that any application is made with all necessary information/documentation within that time, regardless of any reply date stated on correspondence, otherwise the application will have to be rejected. The Tribunal has no discretion to extend this time limit.*

*In your application you name the letting agents as the respondents. Application to the tribunal in these matters require to be raised against the landlords. Please amend your application showing the landlords as the respondents. Please provide an address for the landlord which is not a "care of" address.*

*Your application appears only to relate to an additional "pet deposit" of £250. Can you provide evidence of payment of that?*

*Can you provide evidence from the various deposit schemes that this deposit was not secured with them? Was the original deposit of £750 secured with a deposit scheme? Has that been repaid to you or was that subject to an adjudication process with the scheme at the end of the tenancy? The Tenancy Agreement shows there was a joint tenant. Please advise whether the joint tenant is to be added as a joint applicant.*

*In your application you seem to indicate that you also wish an order for repayment of the deposit itself. That requires a separate application to the tribunal in terms of rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. This application can only deal with issues relating to the alleged failures relating to the requirements to provide the prescribed information in respect of the tenancy deposit. Please provide an amended application showing the order you seek in terms of the 2011 regulations bearing in mind the maximum amount set out above. it would also be useful to obtain confirmation from the deposit schemes that your deposit was never lodged with them.*

*If you also wish to lodge a separate application seeking repayment of the deposit itself, please do so using the appropriate form which can be found on our website.*

*Upon receipt of the above information, a final decision can then be taken on whether the application is valid and whether it should be accepted and referred to the tribunal for full determination.*

*The tribunal would suggest that you may find it useful to seek independent legal advice on this application, the matters contained in this letter and any further action which you wish to take.*

*Please reply to this request as quickly as possible bearing in mind the*

*strict time limit mentioned above.*

*If you fail to respond to this letter, then the tribunal may reject your application. You should be aware that the Tribunal has the power to reject applications on grounds set out in rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.*

No response was received.

6. On 5 August 2025, the Tribunal issued a further email to the Applicant in the following terms:-

*A Legal Member of the Tribunal has now further considered your application. It is noted that you have not responded to the Tribunal's further information request (copy attached) within the time limit stated. Your application is now at risk of rejection.*

*Please note that there is a strict time limit for this type of application (Rule 103) in that a complete, valid application must be submitted to the Tribunal within 3 months of the tenancy end date and the Tribunal has no discretion to extend that date. Your application is not presently valid or complete. Accordingly, if you intend to proceed with it, please respond to our email of 18 July 2025 within the next 14 days.*

*If you do not intend to proceed with this application, please confirm in writing that it is being withdrawn.*

*You may wish to seek some independent advice in the matter.*

No response was received.

7. The Applicant has been given two opportunities to provide further information and has failed to do so. The application does not meet the requirements of rule 103. The Legal Member therefore determines that the application is frivolous, misconceived and has no prospect of success. The application is rejected on that basis.

## **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.

## Nicola Irvine

Nicola Irvine  
Legal Member  
21 August 2025