



**DECISION AND STATEMENT OF REASONS OF JOSEPHINE BONNAR,
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 Procedure Rules")**

Case Reference: FTS/HPC/PR/25/2816

3/1 Lynedoch Street, Glasgow ("the Property")

**Dauids Vorobjovs, 1/1 328 Woodlands Road, Glasgow; Daniel Harty, address
unknown ("the Applicant")**

1. An application was submitted in terms of Rule 103 of the Procedure Rules and Regulations 9 and 10 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 ("the 2011 Regulations"). The application was received on 30 June 2025. The application form names Dauids Vorobjovs as the Applicant. However, the covering email is from a Daniel Harty. The documents lodged with the application appear to establish that Mr Harty and Mr Vorobjovs were two of three joint tenants who lived in the property until the tenancy ended on 3 February 2025. A second application, submitted by Mr Vorobjovs and which named him as the sole Applicant, was also submitted and allocated case reference PR/25/2753. This application was withdrawn following a further information request which notified the Applicant that the application appeared to be time barred.
2. The Tribunal issued a request for further information, directing both potential Applicants to clarify the identity of the Applicant and to address the time bar issue. The Applicants were notified that a complete application had to be submitted within 3 months of the tenancy ending. The Applicants did not respond to the request or to a reminder issued by the Tribunal.

DECISION

3. 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.

- 4. After consideration of the application and documents lodged in support of same the Legal Member considers there is good reason to believe that it would not be appropriate to accept the application in terms of Rule 8(1)(c) of the Rules.**

Reasons for Decision

- 5. Regulation 3 of the 2011 Regulations states - “(1) A landlord who has received a tenancy deposit in connection with a relevant tenancy must, within 30 working days of the beginning of the tenancy – (a) pay the deposit to the scheme administrator of an approved scheme.” Regulation 9 of the 2011 Regulations states – “(1) A tenant who has paid a tenancy deposit may apply to the First-tier Tribunal for an order under regulation 10 where the landlord did not comply with any duty in regulation 3 in respect of that tenancy deposit. (2) **An application under paragraph (1) must be made no later than 3 months after the tenancy has ended.**”
- 6. Rule 5(1) of the Rules states that an “application is held to have been made on the date that it is lodged if, on that date, it is lodged in the manner as set out in the...” relevant rule. Rule 103 states that an application must include the name and address of the tenant or former tenant who is making the application.
- 7. The application does not clearly identify the name and address of the former tenant who is making the application. Despite two requests for information issued by the Tribunal seeking clarification of this, the potential Applicants have

failed to respond. In any event, the application appears to be time barred. The documents lodged with the application indicate that the tenancy ended on 3 February 2025. The application was not submitted until 30 June 2025 which is outwith the three month time limit. Furthermore, the application submitted on this date was incomplete. In all the circumstances, the Legal Member is satisfied that it would not be appropriate to accept the application. It 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.

J Bonnar

Josephine Bonnar, Legal Member

22 July 2025