



**Decision with Statement of Reasons of Alan Strain, 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 Rules of Procedure 2017 ("the Rules")**

**Chamber Ref: FTS/HPC/PR/25/2447**

**Mr Stewart Watson (Applicant)**

**2/1 45 Coplaw Street, Govanhill, Glasgow, G42 7JE (House)**

**Tribunal Member:**

**Alan Strain (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 on 9 June 2025. The application was in respect of an alleged failure of the Landlord to protect a tenancy deposit under the **Tenancy Deposit Schemes (Scotland) Regulations 2011 (Regulations)**.

2. The application was considered by the Tribunal on 13 June 2025. The Applicant was asked to provide further information as follows:

*"1. There is a joint tenant. Please either add Mr. Arnett to the application by submitting a letter from him confirming that he wishes to be added to the application and that he authorises you to act on his behalf or have him complete a page from the online application showing his name and address and complete the last page of the form by adding his signature. You can then submit these pages. Alternatively, please submit a letter from Mr. Arnett confirming that he does not wish to pursue this matter and that he agrees to you acting alone; 2. You must supply the landlord's home address as the tribunal cannot serve the application on her at a care of address. The*

*letting agent must supply you with her home address on written request by you; 3. Please submit proof of payment of the deposit to the landlord or her agents; 4. Please submit proof of the date of lodging of the deposit with the approved scheme; 5. Please set out how you calculated the 30 working days rule, taking into account weekends and public holidays. Please reply as soon as possible and no later than 30 June 2025 or your application may be rejected."*

3. The Applicant did not respond. The Tribunal wrote again by email of 11 July 2025 requesting the information by 25 July 2025.

No response 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 application seeks to proceed under Rule 103 and Regulation 9 of the Regulations. Rule 103 is in respect of applications where it is alleged the landlord has failed to protect a tenancy deposit. The Applicant has failed to provide necessary information. The Tribunal cannot grant an order under Rule 103 without the information requested.

6. The Applicant has failed to provide necessary information and to co-operate with the Tribunal. The Tribunal consider that there is good reason why the application should not be accepted. The application is accordingly 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.**

Alan Strain

29 July 2025

Legal Member/Chair

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Date