



**DECISION AND STATEMENT OF REASONS OF FIONA WATSON, 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

38 Balgray Avenue, Kilmarnock, KA1 4QS ("the Property")

Case Reference: FTS/HPC/PR/25/3342

**Robin Clark, 4 Earl Crescent, Dundonald, Kilmarnock, KA2 9JH
("the Applicant")**

1. The Applicant submitted an application under Rule 103 of the Rules seeking an order on the basis of the landlord's failure to lodge the tenancy deposit in an approved scheme within the statutory timescale. The Applicant lodged the following accompanying documents with the application:
 - (i) Copy emails between the parties
 - (ii) Emails between Applicant and Safe Deposits Scotland
 - (iii) Private Residential Tenancy Agreement

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 there is good reason to believe that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Rules.**

Reasons for Decision

- 4.** An email was sent to the Applicant on 21 August 2025 seeking the following information:
- (i) “We cannot accept a c/o address for the respondent. Please provide their current address. You may be able to request this from the letting agent. Alternatively you can instruct sheriff officers or tracing agents to locate the respondent. If they are unable to do so you can make an*

application for service by advertisement, which must be accompanied by the negative trace report. You can find further guidance on this on our website.

- (ii) There are joint landlords. Please confirm if both George Dale and Shona Dale should be named as joint respondents in this case, and provide both of their contact details.*
- (iii) We would again remind you that an application under rule 103 must be made within three months of the tenancy end date. An application is not considered made until all of the required information is provided by the applicant. The Tribunal has no discretion to extend this deadline."*

5. There was no response from the Applicant to the email. A further email was sent to the Applicant on 2 September 2025 requesting the information and advising that if the information was not received by 9 September 2025, the application may be rejected. Again, no response was received by the deadline set. Accordingly, the Legal Member has good reason to believe that it would not be appropriate to accept the application.

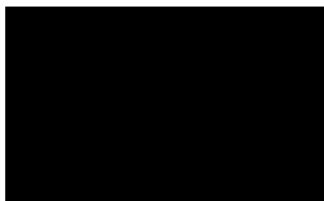
6. The Legal Member therefore determines that it would not be appropriate to accept the application. The application is rejected on that basis.

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.



15 September 2025