



**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/25/2737**

**6/3 Windwill Close, Edinburgh ("the Property")**

**Oliver Hobdell, 12 Belhaven Road, Dunbar ("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 24 June 2025. The named Respondent is a letting agent and not the landlord. Documents were lodged with the application including correspondence with the letting agent. The Applicant stated that the tenancy ended on 20 May 2025.
2. The Tribunal issued a request for further information on 26 June 2025, directing the Applicant to provide further documents, including a copy of the tenancy agreement and evidence of the date on which the tenancy ended. The Applicant was notified that a complete application had to be submitted within 3 months of the tenancy ending. The Applicant did not respond to the request or to a reminder issued by the Tribunal on 1 August 2025.

**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 requires an applicant to provide a copy of the tenancy agreement and evidence showing the date that the tenancy ended. In terms of Rule 5(3), the Chamber President or a Legal Member with delegated powers may request further information and documents.
7. The application is rejected for the following reasons:-
  - a. The Applicant has failed to provide a copy of the tenancy agreement.
  - b. The Applicant has failed to provide evidence of the date that the tenancy ended.
  - c. The Applicant has made the application against the wrong Respondent. He has named the letting agent and not the landlord.

- d. The Applicant has failed to provide further information and documents in response to requests issued by the Tribunal in terms of Rule 5(3) of the Procedure Rules.
  - e. The three month time limit for making the application has passed without a complete application having been made.
8. 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.

Josephine Bonnar

Josephine Bonnar, Legal Member  
2025

28 August 2025