



**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

2/1 478 St Vincent Street, Finnieston, Glasgow, G3 8XU ("the Property")

Case Reference: FTS/HPC/PR/25/3452

**Yasmin Mualin, 3/3 405 Sauchiehall Street, Anderston, Glasgow, G32LG ("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. The Applicant lodged the following accompanying documents with the application:
 - (i) Screenshot of Barclays bank payment
 - (ii) Copy text messages between the parties
 - (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 15 August 2025 seeking the following information:
- (i) *“This application is made under Rule 103, which only pertains to penalties for failure to lodge the deposit in an approved tenancy deposit scheme, yet you state you are only seeking return of the deposit. Please*

consider whether you have made the application under the wrong rule. An application for return of the deposit should be made under Rule 111.

- (ii) The tenancy agreement shows a joint tenant. Do they intend to become a joint applicant? If so, please provide their contact details.*
- (iii) If you also intend this application to continue under Rule 103, please amend the application form to show the order being sought, removing reference to return of the deposit. Please provide evidence of the end date of the tenancy. You should also provide evidence from the three approved schemes to show that the deposit was not lodged. This evidence is usually available by carrying out an online search.*
- (iv) You should be aware a Rule 103 application can only be accepted if made within 3 months of the end date of the tenancy, and we cannot accept an application made outwith that period. There is no 3 month time limit for a Rule 111 application.”*

5. There was no response from the Applicant to the email. A further email was sent to the Applicant on 26 August 2025 stating *“it is noted that you have not responded to our request for further information. Please provide the requested information within seven days, or it is likely the application will be rejected. If you no longer intend to progress the application, it would be very helpful if you would confirm that you wish to withdraw it. Otherwise, it is likely that a rejection decision will be published on our website.”* 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.

F. Watson

15 September 2025