



**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

Flat 56D Urquhart Road, Aberdeen, AB24 5LX ("the Property")

Case Reference: FTS/HPC/PR/25/3594

**Catherine O'Connor, 38 Clonard Park, Dundrum, Dublin 16, Dublin, D16 TY71
("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) Correspondence between the parties
 - (ii) Bank statement
 - (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 29 August 2025 highlighting the following issues and seeking further information:
- (i)** The application had been raised under Rule 103 of the Rules and in terms of the Tenancy Deposit Schemes (Scotland) Regulations 2011, such an application cannot be made later than 3 months after the tenancy has ended and the date the application is held to be made is

the date the Tribunal receives the last of any outstanding documents necessary to meet the required manner of lodgement. The application suggests that the tenancy ended on 23 May 2025 which would mean that the application would require to be lodged (with all documentation required) by no later than 23 August 2025. The application was lodged on 22 August 2025 and there was information missing. The Applicant was asked to confirm the end date of the tenancy and provide evidence to confirm this.

- (ii) In the application it appears that the application in fact seeks an order for repayment of the deposit itself. That requires a separate application to the tribunal in terms of Rule 111. The Applicant was asked to provide an amended application showing the order being sought. The Applicant as also asked to obtain confirmation from all three deposit schemes that the deposit was never lodged with them.
 - (iii) The applicant has not provided an address for the respondent. The tribunal is not able to proceed with application unless there is a full address given for that party. The Applicant was asked to provide the full address of the respondent landlord.
 - (iv) The tenancy agreement shows there was a joint tenant. The applicant was asked to confirm whether the joint tenant is to be added as a joint applicant.
5. There was no response from the Applicant to the email. Accordingly, the Legal Member has good reason to believe that it would not be appropriate to accept the application. The application cannot proceed without an address for the Respondent, to enable service of the papers. The Applicant has not provided same. In any event, it appears from the information provided by the Applicant that the application has not been submitted timeously in terms of Rule 103 and section 9 of the Tenancy Deposit Schemes (Scotland) Regulations 2011.
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.



Fiona Watson
Legal Member
28 September 2025