



**DECISION AND STATEMENT OF REASONS OF ALISON KELLY, 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

136 Invergarry Drive, Glasgow, G46 8UY ("the Property")

Case Reference: FTS/HPC/PR/24 4534

Maroef Sherzad ("the Applicant")

1. The application was made, on 21st October 2025, under Rule 103 of the Procedural Rules being an application in relation to an alleged breach of the Tenancy Deposit Schemes (Scotland) Regulations 2011 ("the Regulations"). The Applicant alleged that a deposit was paid on 17th August 2020 and not deposited with a regulated scheme until 29th September 2020, in breach of Regulation 3 of the Regulations. The Applicant also sought return of the deposit.
2. On 23rd October 2025 the Tribunal sent an email to the Applicant pointing out that in terms of Regulation 3 the landlord had 30 working days to lodge the deposit in a regulated scheme and asking the Applicant to clarify exactly what the breach was considered to be. The Tribunal also told the Applicant that a separate application would need to be lodged seeking return of the deposit.
3. On 12th November 2025 the Applicant sent an email to the Tribunal but did not

answer the questions asked.

DECISION

4. The circumstances in which an application is to be rejected are governed by 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."

5. After consideration of the application, the further information referred to and correspondence from the Applicant, the Legal Member considers that the application should be rejected on the basis that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Procedural Rules.

REASONS FOR DECISION

6. Regulation 3 of the Regulations states that 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 pay the deposit to the scheme administrator of an approved scheme. The Applicant said the deposit was paid on 17th August 2020 and lodged on 29th September 2020. This is within 30 working days. Accordingly the Applicant has not alleged a breach in terms of the Regulations and the application falls to be dismissed.
7. The Applicant has not lodged a separate application for return of the deposit. However, given that the Applicant said in the application that an adjudication had taken place under the tenancy deposit scheme's dispute provisions such an application would be likely to fail as the Tribunal cannot deal with matter which has already been dealt with by the scheme.

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.

Alison Kelly
Legal Member
17th November 2025