



**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/25/4276

15/2 Ardshiel Avenue, Edinburgh ("the Property")

Muhammad Sohaib, 54 Moredunvale, Edinburgh ("the Applicant")

BACKGROUND

1. The Applicant lodged an application 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 6 October 2025. The Applicant stated that his tenancy ended on 23 June 2025. He said that he was aware of the time limit in the 2011 Regulations but asked that his application be considered.
2. The Tribunal issued a request for further information, directing the Applicant to address the time bar issue and advising him that the Tribunal does not have discretion to accept late applications. The Applicant lodged a submission in response to the request. He said that the delay was caused by the letting agent failing to respond to his enquiries. He stated that it would be unfair and unjust to reject the application and that he had always acted in good faith.

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. Based on the information provided by the Applicant, the application is time barred. The tenancy ended on 23 June 2025. The application was not lodged until 6 October 2025. The Applicant acknowledges this but asks for his application to be accepted, However, there is no provision in the Regulations which gives the Tribunal the power or discretion to accept a late application.
- 7. 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

30 October 2025