



Decision and statement of Reasons of the First Tier Tribunal (Housing and Property Chamber)

Under Rule 8 of the First Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ‘the Rules’.

In respect of application by Heather Bertram in terms of rule 103 of the Rules.

Case reference FTS/HPC/PR/25/4345

At Glasgow on the 3 December 2025, Lesley Anne Ward, legal member of the First –Tier Tribunal ‘the Tribunal’ with delegated powers of the Chamber President, rejected the above application in terms of Rule 8(1) (a) and (c) of the Rules

1. This is an application by Heather Bertram, ostensibly for a penalty regarding a tenancy deposit in terms of rule 103 of the Rules.
2. The application was dated 2 October 2025 and was entered in the case management system of the tribunal chamber on 9 October 2025. There was a second application under rule 111.
3. The in-house convenor reviewed the applications on 16 October 2025 and the tribunal wrote to the applicant on 16 October 2025 as follows:

You lodged an application using Form F in which you seek an order for payment of £650 in respect of redecorating cost which you say were incurred. This has been given reference number FTS/HPC/CV/25/4341.

You lodged a second application using Form G in which you seek an order for payment of £750 which you say relates to the return of a tenancy deposit of £750. You have indicated this application proceeds under rule 103 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. This has been given reference number FTS/HPC/PR/25/4345.

Each of these applications has been considered and reviewed by a legal member of the First-tier Tribunal with delegated powers of the Chamber President who has raised the following matters.

In relation to application under reference FTS/HPC/PR/25/4345, applications under rule 103 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 deal with claims under the Tenancy Deposit Schemes (Scotland) Regulations 2011 which allow the tribunal to make an award of up to three times the deposit if a landlord has failed to place a tenancy deposit with an approved scheme in accordance with the Regulations or has failed to provide the prescribed information. In this case it seems clear that your deposit was lodged in a scheme and accordingly there seems to be no possible application under rule 103.

You appear to be dissatisfied with the decision of the adjudicator appointed by the tenancy deposit scheme in relation to the return of the deposit at the end of the tenancy. This tribunal is not able to interfere with decisions made by those adjudicators.

You appear to be indicating that you believe that you should not have been liable to pay rent during a certain period owing to the state of repair of the property. If that is your position, then you should seek independent advice on whether such a claim can be lodged with this tribunal. Please confirm that this application for the return of the deposit is to be withdrawn.

In relation to application on the reference FTS/HPC/CV/25/4341 you indicate you wish a payment of £650 in respect of redecoration costs. You require to provide details of those costs. Did you instruct a firm to carry out redecoration work? If so did they provide an invoice? Did you spend money on materials? If so please provide a list of those materials and the costs which you incurred. The tribunal requires a detailed breakdown of the sum you are claiming and how you calculated that sum, please provide that calculation/breakdown.

Further queries may arise upon receipt of your reply. Upon receipt of the above information, a final decision can then be taken on whether the applications are valid and whether they should be accepted and referred to the tribunal for full determination. The tribunal would strongly suggest that you may find it useful to seek independent legal advice on these applications, the matters contained in this letter and any further action which you wish to take. There is a section of the tribunal website which contains information and links to advice agencies and sources of independent advice. Please respond to this letter within the next four weeks. If you fail to respond to this letter then the tribunal may reject your application. You should be aware that the Tribunal has the power to reject applications on grounds set out in rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

4. The applicant did not reply and a reminder was sent on 18 November 2025.

5. The applicant responded on 25 November 2025 as follows:

Hi the ref no are as follows fts/hpc/cv/25/4341 also fts/hoc/pr/25/4345 sorry we don't have receipts for the work as we have been away from that property for over a yr now and are settling in a new place so most paper work for that property is away hope this helpful.

6. I have reviewed this application today and I have decided to reject it under rule 8 (1) (a) and (c).

Reasons

7. Rule 103 of the Rules provides:

Where a tenant or former tenant makes an application under regulation 9 (First-tier Tribunal orders) of the 2011 Regulations, the application must—

(a)state—

(i)the name and address of the tenant or former tenant;

(ii)the name, address and profession of any representative of the tenant or former tenant; and

(iii)the name, address and registration number (if any) of the landlord;

(b)be accompanied by a copy of the tenancy agreement (if available) or, if this is not available, as much information about the tenancy as the tenant or former tenant can give;

(c)evidence of the date of the end of the tenancy (if available); and

(d)be signed and dated by the tenant or former tenant or a representative of the tenant or former tenant.

8. Regulation 9 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 provides:

Requirements for making an application Regulation 9 of The Tenancy Deposit Schemes (Scotland) Regulations 2011 (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."

9. Rule 8(1)(a) of the Rules allows an application to be rejected by the Chamber President if ***"they consider that an application is vexatious or frivolous"***.

10. "Frivolous" in the context of legal proceedings is defined by Lord Justice Bingham in R-v- North West Suffolk (Mildenhall) Magistrates Court (1998) Env.L.R.9. At page 16 he states:- "What the expression means in this context is, in my view, that the court considers the application to be futile , misconceived, hopeless or academic".

11. I consider that this application is frivolous or vexatious and has no reasonable prospect of success. There is no evidence before the tribunal to suggest that there was any failure on the part of the landlord to lodge the tenancy deposit in an approved scheme within 30 days of the start date of the tenancy. On the contrary, it appears that the deposit was lodged and the applicant is taking issue with the outcome of the adjudication carried out by the deposit scheme. The tribunal has no jurisdiction to deal with this matter.

12. Further, it would not be appropriate for the Tribunal to accept an application in terms of rule 8(1)(c) as the applicant has failed to provide a substantive response to the tribunal's detailed request for information of 16 October 2025.

13. The application therefore has to be rejected.

NOTE: What you should do now.

If you accept this decision there is no need to reply.

If you disagree with this decision you should note the following:

An applicant aggrieved by this 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 seek permission to appeal within 30 days of the date the decision was sent them. Information about the appeal procedure can be forwarded on request.

Lesley Anne Ward

Legal Member