

Housing and Property Chamber
First-tier Tribunal for Scotland



**DECISION AND STATEMENT OF REASONS OF PETRA HENNIG MCFATRIDGE 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 Procedural Rules")

in connection with

Case reference FTS/HPC/CV/25/4555

Michael Murphy (applicant)

First floor flat 57 Bon – Accord Street, Aberdeen, AB11 6EB (the property)

1. On 21.10.2025 The First-tier Tribunal for Scotland, Housing and Property Chamber (the FTT) received an application from the applicant under rule 111 of the Procedural Rules being an application for civil proceedings in relation to a Private Residential Tenancy under the Private Housing (Tenancies) (Scotland) Act 2016 (the Act). The application was directed against Safe Deposits Scotland (SDS) on the basis that the dispute resolution document issued showed various "errors in fact".
2. On 17.11.2025 the FTT wrote to the applicant in the following terms: The Respondent in your application is Safe Deposits Scotland ("SDS"). You appear to have engaged in the dispute resolution process facilitated by SDS and then sought a review of the outcome which was rejected. In terms of Tenancy Deposit Schemes (Scotland) Regulations 2011 the decision of the adjudicator in respect of the review is final. Please explain the legal basis upon which you make this application and why it is that this Tribunal has jurisdiction to deal with the application.
3. On 18.11.2025 the applicant replied: " My application to the Aberdeen Sheriff Court was rejected as they said they cannot legally hear a case regarding a deposit dispute. They stated that that only the Scottish Courts and Tribunal Service has jurisdiction to deal with this case. I am making a claim against Safe Deposits Scotland on the basis that they made numerous false statements in their decision and also made numerous errors in fact. These errors were repeatedly pointed out to Safe Deposits Scotland, but were continuously ignored." The Applicant then narrated various alleged

errors in the decision of SDS regarding his deposit return but failed to answer the question as to how the FTT would have jurisdiction in the matter.

4. The documents referred to above are referred to for their terms and held to be incorporated herein.

DECISION

5. I considered the application in terms of Rule 8 of the 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."

6. After consideration of the application, the attachments and correspondence from the Applicant, I consider that the application should be rejected in terms of Rule 8 (c) of the

Rules of Procedure on the basis as the Tribunal has good reason to believe that it would not be appropriate to accept the application.

REASONS FOR DECISION

7. The application was made under Rule 111 of the Procedural Rules.
8. An application under this rule can only be made if the dispute arises from a Private Residential Tenancy. In this case the dispute arises from the dispute resolution process specifically set out in The Tenancy Deposit Schemes (Scotland) Regulations 2011 (the Regulations) and not from a tenancy. SDS was not a party to a Private Residential Tenancy.
9. The basis for the dispute resolution process is a statutory process of dispute resolution for tenancy deposits, which also sets out the rules of said process in Regulations 33-38.
10. The role of SDS with regard to deposits is defined in the Regulations. If there is an error of fact or law in the initial decision, the Regulations provide a review process in Regulation 37. Regulation 38 (3) states explicitly: “ (3) A decision of an adjudicator under paragraph (2) on a review is final.”
11. The FTT is not an appeal jurisdiction over Tenancy Deposit Scheme Providers and the process of rule 111 cannot be used for that purpose and introduce a further appeal mechanism in a statutory scheme.
12. It would therefore not be appropriate to accept the application.

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.

Petra Hennig McFatridge

Legal Member

5 December 2025