



**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/25/4205

Miss Stephanie Ureme (Applicant)

16 Newlands Road, Bannockburn, Stirling, FK7 8NN (House)

1. The application under Rule 111 of the Procedural Rules S 71 of the Private Housing (Tenancies) (Scotland) Act 2016 by the Applicant was received by the First-tier Tribunal, Housing and Property Chamber (FTT) on 1.10.2025. The Applicant stated in the application part 5 a rule 111 but in part 5 c that the application was actually an application for up to 3 times the deposit amount in line with the Regulations and referred in part 5 b to a failure of the landlord to lodge her deposit within 30 working days of the tenancy starting.
2. On 15.10.2025 the FTT asked the Applicant to amend the application is she wishes also to proceed with the rule 111 application, setting out the terms of the order she wishes to apply for.
3. The Applicant subsequently made an application under rule 103, which has been accepted and stated in an email to the FTT on 24.10.2025 "I wish to proceed only with rule 103 at this stage".

4. No reply has been received.
5. On 30.10.2025 the FTT wrote to the Applicant: "We note that you wish to proceed with the application under rule 103 only at this stage. Please confirm that the application under rule 111 is to be withdrawn. Please respond within 14 days. If you fail to provide the necessary information the tribunal may reject your application. Please reply to this office with the necessary information by 13 November 2025. If we do not hear from you within this time, the President may decide to reject the application."
6. Again no reply was received.
7. All correspondence is referred to for its terms and held to be incorporated herein brevitatis causa.

DECISION

8. 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."

9. 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 FTT has good reason to believe that it would not be appropriate to accept the application.

REASONS FOR DECISION

Reasons:

1. Rule 111 requires to be for a specific sum stated in the application and the application has to then be accompanied by relevant documents evidencing the claim made. The documents lodged with the application relate to an alleged failure of the landlord to lodge a deposit on time and the order requested is an order for a penalty under the Tenancy Deposit Schemes (Scotland) Regulations 2011. The order applied for is not competent under rule 111 and indeed the Applicant has now made an application for the same order under the correct rule 103 and advised the FTT she only wished to progress the rule 103 application. She had been asked to amend the rule 111 application by stating what order she is seeking if she wished to also continue with the rule 111 application or to withdraw the application. She has not amended the rule 111 application to show terms of an order the FTT could grant under that rule. She has, however, also not withdrawn this application and thus the FTT requires to take the formal step of a rejection decision in order to close the case. The application does not meet the lodging requirements and the Applicant has stated she does not wish to progress the case. It would thus not be appropriate to accept the application under rule 111.
2. The application is thus rejected in terms of rule 8 of the Rules of Procedure.

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
12 December 2025