



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 Samir Vidhate in terms of rule 103 of the Rules.

Case reference FTS/HPC/PR/25/3801

At Glasgow on the 10 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 Samir Vidhate, ostensibly for a penalty regarding a tenancy deposit in terms of rule 103 of the Rules.
2. The application was dated 2 August 2025 and was entered in the case management system of the tribunal chamber on 8 September 2025.
3. The in-house convenor reviewed the application on 9 September 2025, and the tribunal wrote to the applicant on 10 September 2025 as follows:

This application is for a payment order where the landlord has failed to comply with The Tenancy Deposit Schemes (Scotland) Regulations 2011.

There is a strict statutory time limit for making this type of application. The application must be made within three months of the end of the tenancy.

From the paperwork submitted by you, it would seem that you vacated the Property in November 2024. Therefore, you are too late to make this application. The tribunal has no power to waive the time limit. If your application is time barred as suggested, please withdraw the application or it will be rejected. If you consider that your application is within the time limit, please provide evidence of the date on which you vacated the

Property, evidence of the deposit paid and provide evidence from the approved schemes that it was not lodged. Please note that the tenancy agreement refers to advance rent and not a tenancy deposit.

4. The applicant did not reply. Reminders were sent on 16 October 2025, 7 November 2025 and 20 November 2025.
5. I have reviewed this application today and I have decided to reject it under rule 8 (1) (a) and (c).

Reasons

6. 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.

7. 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."

8. 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"***.
9. "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".
10. I consider that this application is frivolous or vexatious and has no reasonable prospect of success. The information provided suggests that the application is time barred as the tenancy came to an end more than three months before the application was sent to the tribunal chamber.

11. 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 despite three reminders.
12. 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