



Decision Under Rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”)

Case reference FTS/HPC/PR/25/5517

Parties

Mr Abubakr Malik (Applicant)

3/3 (Third Floor), 425 Sauchiehall Street, Glasgow, G2 3LG (House)

BACKGROUND

1. On 18 December 2025 an application was received from the Applicant. The application was made under Rule 103 of the Chamber Procedural Rules being an application for an order for payment where the landlord has failed to carry out duties in relation to tenancy deposits.
2. On 29 December 2025 the administration requested further information from the applicant including confirmation as to when the tenancy agreement had been terminated. The applicant responded this request on 1 January 2026. They advised that the tenancy ended on 7 April 2025.

DECISION

3. I have considered the application 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, I consider that the application should be rejected on the basis that it is frivolous within the meaning of Rule 8(1)(a) of the Procedural Rules.

REASONS FOR DECISION

5. “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. 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*”. It is that definition which I have applied as the test in this application and, on consideration of this test, I have determined that this application is frivolous, misconceived and has no prospect of success.
6. The application is made under the Tenancy Deposit Schemes (Scotland) Regulations 2011. Regulation 9 provides that an application brought under these regulations for breach by the landlord must be brought no later than 3 months after the tenancy has ended. The

application has been made is out of time, as it was made more than 3 months after the tenancy has ended. The application must therefore be rejected.

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 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 of the decision was sent to them. Information about the appeal procedure can be forwarded to you on request.

Melanie Barbour

6 January 2026

Legal Member/Chair

Date
