



DECISION AND STATEMENT OF REASONS OF FIONA WATSON, 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 Rules")

in connection with

42 Wester Fintry Cottages, Kintore, Inverurie, AB51 0UN ("the Property")

Case Reference: FTS/HPC/PR/25/5052

Ian Paterson, Joanne Paterson, Mains of Tillygarmond, Strachan, Banchory, AB31 6NT ("the Applicants")

1. The Applicants seek an order in terms of Rule 103 of the Rules. The application was submitted by email on 23 November 2024. The Applicants lodged the following documents with the application:
 - (i) Tenancy agreement
 - (ii) Correspondence with tenancy deposit schemes
2. Following a further information request, the Applicants confirmed that the tenancy end date was 21 August 2025.
3. On 9 December 2025 the following information was sought from the Applicants:

(i) You state that the tenancy ended on 21 August 2025. An application under rule 103 must be made within three months of the end date of the tenancy. Your application was submitted on 24 November 2025, with further information provided on 5 December 2025. If your tenancy ended on 21 August 2025, the deadline for submission of a complete application would

have been 21 November 2025. The Tribunal has no discretion to extend this deadline. Please therefore withdraw the application or provide your legal submissions as to why you believe the application can be accepted.”

4. The Applicants responded by email of 23 December 2025 as follows:

“We were only three days late in submitting our application. Mr Rennie our landlord never legally protected our deposit as he should, neither did he protect the deposits of his other tenants residing in his other properties. We have not broken any rules we merely made a mistake by submitting our application slightly late.”

5. The Applicants in their email of 23 December 2025 also referred to repairing issues within the Property during their tenancy as well as incidents of harassment and intimidation.

DECISION

6. The Legal Member considered the application in 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.

- 7. After consideration of the application and the documents submitted by the Applicant in support of same, the Legal Member considers that the application should be rejected on the basis that there is good reason to believe that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Rules.**

Reasons for Decision

8. The Tribunal finds that the application has not been submitted timeously and must be rejected. Section 9 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 states as follows:

“9(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. The tenancy ended on 21 August 2024. In terms of section 9 of the said Regulations as set out above, the application must be lodged no later than 21 November 2024. The application was lodged on 23 November 2024 and accordingly does not comply with the requirements of section 9. The said Regulations do not give the Tribunal any discretion to waive or extend the period within which an application must be lodged. The application has not been lodged timeously and accordingly is rejected on that basis. Whilst the

Tribunal notes the additional points made by the Applicants in their email of 23 December 2025 regarding alleged repairing issues etc., these have no relevance either to the question of whether or not the landlord has breached their obligations as regards the lodging of the deposit, nor any relevant to the question of whether the application has been lodged timeously and in accordance with the requirements of the Regulations.

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.

Fiona Watson
Legal Member
24 December 2025