



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 8(1)(c) of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”)

Chamber Ref: FTS/HPC/PR/25/4996

Re: Property at 34/5 Haddington Place, Edinburgh, EH74AG (“the Property”)

Parties:

Miss Audra Fabrizio, 26 Brotherstones Way, Tranent, EH74AG (“the Applicant”)

Tribunal Members: Ruth O’Hare, Legal Member with delegated powers from the Chamber President

Decision

The Legal Member determined there is good reason to believe that it would not be appropriate to accept this application received by it on 18 November 2025.

The Legal Member therefore rejects the application under Rule 8(1)(c) of the Rules.

Background

- 1 This is an application under rule 103 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”) and regulation 9 of the Tenancy Deposit Scheme (Scotland) Regulations 2011 (“the 2011 Regulations”). The Applicant sought a determination that her landlord had failed to comply with the duties under regulation 3 of the 2011 Regulations.
- 2 In terms of Rule 5(2) of the Rules, a Legal Member of the Tribunal with delegated powers from the Chamber President reviewed the application to assess whether it had been lodged in the required manner.
- 3 Following said review, the Tribunal wrote to the Applicant by email on 25 November 2025 requesting further documents. In particular, the Tribunal requested a copy of the tenancy agreement, confirmation of the date the tenancy terminated, clarification as to whether the joint tenant should be a joint applicant, evidence of payment of the deposit and a proper address for the

respondent. The Applicant was asked to provide the information no later than 9 December 2025. The Tribunal advised the Applicant that if she failed to respond the Tribunal may reject the application.

- 4 The Applicant did not respond to the Tribunal's email of 9 December 2025. On 17 December 2025 the Tribunal sent a reminder to the Applicant requesting a response no later than 31 December 2025. Having received no response from the Applicant, the Tribunal wrote again to her on the 23 January 2026 allowing a final opportunity to provide the information within seven days, failing which the application would be rejected.
- 5 The Tribunal has received no response from the Applicant as at the date of this decision.

Reasons for decision

- 6 The Legal Member considered the mandatory requirements for an application under rule 103:-

*“103. 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 The Legal Member has determined that the application should be rejected in terms of rule 8(1)(c) of the Rules, which states that an application must be rejected if the Tribunal has “*good reason to believe that it would not be appropriate to accept the application*”.
- 8 The basis of the decision is that the Applicant has failed to provide the documents and information required for an application under rule 103 of the Rules. In terms of rule 5(3) of the Rules, the Chamber President or another member of the Tribunal under the delegated powers of the Chamber President, may request further documents if it is determined that an application has not been lodged in the prescribed manner. The Tribunal has written to the Applicant on three occasions requesting further information. The Applicant has accordingly been given the opportunity to address the outstanding matters.

- 9 The Legal Member has therefore concluded that the Applicant' failure to provide a complete application that complies with the mandatory requirements constitutes good reason to reject the application under rule 8(1)(c).

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal 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.

11 February 2026

Legal Member/Chair

Date