



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 Chandresh Sindal in terms of rule 103 of the Rules.

Case reference FTS/HPC/PR/26/1570

At Glasgow on the 13 April, 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 (e) of the Rules

1. This is an application by Chandresh Sindal, for a penalty regarding a tenancy deposit in terms of rule 103 of the Rules.
2. The application was dated 8 April 2026 and was entered in the case management system of the Tribunal Chamber on 10 April 2026.
3. I have reviewed this application today and I have decided to reject it under rule 8 (1) (a) and (e).

Reasons

4. 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.

5. 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."

6. 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"***.

7. "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".

8. I consider that this application is frivolous or vexatious and has no reasonable prospect of success. Regulation 9 requires an application to be made within 3 months of the end date of the tenancy. The applicant states in the application that the tenancy came to an end in March 2025 therefore more than three months have elapsed. The application is therefore time barred. The Tribunal has no discretion to extend this period.

9. Further, this is the second application made by this applicant in the same terms. The application PR/26/1234 was rejected on 20 March 2026 as it was time barred. Rule 8(1)(e) states that the Chamber President must reject an application where "the applicant has previously made an identical or substantially similar application and in the opinion of the Chamber President or another member of the tribunal, there has been no significant change in any material considerations since the identical or substantially similar application was determined".

10. 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