



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

2 Ashgrove, Irvine, KA12 0SX ("the Property")

Case Reference: FTS/HPC/CV/25/4657

Bishesh Khanal, 2 Ashgrove, Irvine, KA12 0SX ("the Applicant")

1. The Applicant seeks a payment order in terms of Rule 111 of the Rules. The Applicant lodged the following documents:
 - (i) Copy tenancy agreement
 - (ii) Tenancy deposit scheme information

DECISION

2. 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.

3. 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 it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Rules.

Reasons for Decision

4. An email was sent to the applicant on 19 November 2025 seeking further information from the Applicant as follows:
 - (i) *“Applications which relate to the Tenancy Deposit Regulations must be made in terms of Rule 103 and not Rule 111. Please confirm if you wish to amend the rule number.*
 - (ii) *Please confirm if the joint tenant is to be added as joint Applicant or provide written confirmation from them that the application can proceed in your sole name.*
 - (iii) *The landlord named in the tenancy agreement and registered with the Local Authority is Easton Richmond Ltd. Please confirm if you wish to amend the name of the Respondent to reflect this.”*
6. This information was not provided and no response was received to the email. A further email was thereafter sent to the Applicant on 18 December 2025 again seeking this information. This email was again not replied to.

7. An email was sent to the Applicant on 27 January 2026 requesting the information be provided within two weeks, failing which, the tribunal will have no option but to reject the application. This email was again not replied to.
8. The Applicant has failed to cooperate with the tribunal in their reasonable requests for information to enable the application to be accepted. The application seeks an order that the landlord has failed to lodge a deposit within the statutory 30 day period, however such an application can only competently be made under Rule 103. The tribunal cannot grant such an order in terms of an application made under rule 111. The Legal Member therefore determines that there is good reason to believe that it would not be appropriate to accept the application. The application is rejected on that basis.

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
9 March 2026