



**DECISION AND STATEMENT OF REASONS OF JOAN DEVINE, 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**

**68 Blacklaw Road, Dunfermline KY11 4AP ("the Property")**

**Case Reference: FTS/HPC/CV/25/3249**

**Katie Templeman, 1 Earls Row, Kelty, Fife KY4 OAF ("the Applicant")**

1. The Applicant lodged form F under rule 111, application for civil proceedings, dated 15 July 2025 in terms of which the Applicant sought a payment order of £900 in respect of the return of a deposit paid. The application did not provide any details for a Respondent.
2. On 14 August 2025 the Tribunal sought further information including details of the Respondent. The Tribunal received no response and followed up the request for further information on 15 September 2025 in respect of application with reference CV/25/3249 and other applications made by the Applicant to the Tribunal. In the response received the Applicant told the Tribunal that the deposit paid had been lodged in an approved scheme with Safe Deposits Scotland. The Applicant provided a name for the Respondent but no address.
3. On 22 October 2025 the Tribunal emailed the Respondent again asking for an address for the Respondent and seeking clarification of the basis upon which the application was made as the deposit was held by an approved scheme which would adjudicate upon the question of return of the deposit. The Applicant responded by email dated 11 December 2025 in which they stated that they did not have an address for the Respondent. The Applicant did not clarify the basis upon which the application was made.

4. On 19 January 2026 the Tribunal emailed the Applicant asking for details of steps taken by the tenancy deposit scheme regarding the return of the deposit and clarification of the basis upon which the Tribunal had jurisdiction if the matter was being dealt with by the tenancy deposit scheme administrator. No response was received. The request for further information was followed up on 28 February 2026. No response as received.

## **DECISION**

5. 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.

6. **After consideration of the Application and documents lodged in support of same the Legal Member considers 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**

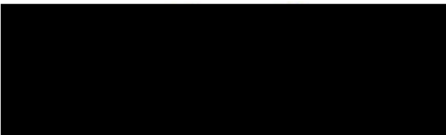
7. 'Frivolous' in the context of legal proceedings is defined by Lord Justice Bingham in R v North West Suffolk (Mildenhall) Magistrates Court, (1998) Env LR9. He indicated at page 16 of the judgment; "What the expression means in this context is, in my view, that the court considers the application to be futile, misconceived, hopeless or academic". It is that definition which the Legal Member has considered as the test in this application, and on consideration of this test, the Legal Member considers that this application is frivolous, misconceived and has no prospect of success.
  
8. The Applicant sought a Payment Order in respect of the return of a deposit paid at the start of a tenancy. The Applicant told the Tribunal that the deposit was held by Safe Deposits Scotland. In terms of the Tenancy Deposit Schemes (Scotland) Regulations 2011 one of the roles of an approved deposit scheme is to adjudicate upon the question of deposit returns. The Tribunal has no jurisdiction if the matter is being dealt with by the scheme administrator. The Applicant did not provide any information which would indicate that the Tribunal did have jurisdiction. Nor did the Applicant provide an address for the Respondent which is required before an application can be accepted. In all the circumstances, the Legal Member determines that the Application is frivolous, misconceived and has no prospect of success. 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.



Joan Devine  
Legal Member

5 May 2026