



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 Rajesh Poudel in terms of rule 103 of the Rules.

Case reference FTS/HPC/PR/26/1084

At Glasgow on the 23 April 2026, 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) (c) of the Rules

1. This is an application by Rajesh Poudel for a penalty regarding a tenancy deposit in terms of rule 103 of the Rules.
2. The application was dated 7 March 2026 and was entered in the case management system of the Tribunal Chamber on 10 March 2026.
3. The in-house convenor reviewed the application and the Tribunal wrote to the applicant on 11 March 2026 as follows:
 - (1) In your application form, you have given the Respondent’s address as the address of the tenancy property. If the Respondent lives at the property, he may be classed a ‘resident landlord’ and may be exempt from Landlord Registration requirements and the Tenancy Deposit Regulations. If he does not reside at the tenancy property, we require his address in order that the Tribunal papers can be served on him in due course. If you do not know his address, you may require to instruct a trace through a Sheriff Officer or other tracing agent and, if that is still unsuccessful, you can apply for service to be by way of advertisement on the Tribunal website. You may wish to seek some legal or other advice in respect of these matters before deciding how you wish to proceed. There is also guidance available on the Tribunal website (Housing and Property Chamber).

- (2) In Part 5 of the application form, you have stated that the tenancy address is the same as the Respondent's address – see point 1 above.
- (3) Please provide any proof that you paid the deposit to the Respondent and when this was.
- (4) As you advise that this was verbal tenancy, please provide any information/proof of the terms of the tenancy, such as start date, end date, rent paid and when, messages between yourself and the Respondent, etc.
- (5) Please provide evidence from the three tenancy deposit schemes that your tenancy deposit was not lodged with them by the Respondent. You can obtain this information by contacting each of the three schemes online through their websites. Please respond by 25 March 2026, or sooner if possible, as there is a strict 3-month time limit for full and complete Rule 103 applications to be submitted to the Tribunal from the end date of the tenancy.

4. The applicant did not respond.

5. The in-house convenor reviewed the application again and the following request for information was sent on 30 March 2026:

It is noted that you have failed to provide the further information originally requested by email dated 11 March 2026 in connection with case reference FTS/HPC/PR/26/1084. Please do so as a matter of urgency. Please bear in mind strict 3-month time limit for full and complete Rule 103 applications to be submitted to the Tribunal from the end date of the tenancy.

You indicate in your application that you have various items of evidence including WhatsApp call logs, bank withdrawal records, and witness testimony. Please produce them to the tribunal.

You also indicate in your application that you seek a payment order in respect of the return of the deposit that you paid. That requires a separate application under rule 111 of the tribunal rules (“the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017”)

The tribunal would suggest that you may find it useful to seek independent legal advice on this application, the matters contained in this letter and any further action which you wish to take. There is a section of the tribunal website which contains information and links to advice agencies and sources of independent advice.

Please respond to this letter within the next two weeks. Please bear in mind strict 3-month time limit for full and complete Rule 103 applications to be submitted to the Tribunal from the end date of the tenancy.

If you fail to respond to this letter then the tribunal may reject your applications. You should be aware that the Tribunal has the power to reject applications on grounds set out in rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

6. The applicant responded on 10 April 2026, explaining that he had been unwell but that he was able to provide witness statements. No further information was provided.
7. The Tribunal sent a reminder on 14 April 2026, but the applicant has not responded.
8. I have reviewed this application today and I have decided to reject it under rule 8 (1) (c).

Reasons

9. In terms of rule 8(1)(c) the Tribunal President must reject an application if they have good reason to consider it would not be appropriate to accept it. The applicant has failed to respond to two reasonable requests by the Tribunal for information, and a reminder. He has therefore failed to cooperate with the Tribunal in the execution of its duties and this is a good reason to refuse to accept the application.
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.

L Ward

Lesley Anne Ward

Legal Member