



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/26/1429

Re: Property at 60/2 Stenhouse Gardens, Edinburgh, EH11 3HN (“the Property”)

Parties:

Mohammed Feroz Shaik, Flat 5, 9 Calder Court, Edinburgh, EH11 4JZ (“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 the Tribunal on 31 March 2026.

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 Rules and regulation 9 of the Tenancy Deposit Scheme (Scotland) Regulations 2011 (“the 2011 Regulations”). The Applicant sought a determination that the 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 1 April 2026 in the following terms:-

“A legal member of the First-tier Tribunal with delegated powers of the Chamber President considers that in order for the Tribunal to be able to process your application further the undernoted information /documentation is required:

1. Please provide evidence of who paid the deposit and when. As the tenants seem to have changed, evidence is required as to whose deposit this relates to. Whilst you state you provided evidence of the deposit payments, the bank screenshot only seems to relate to rent payments.

2. Please provide the full copy of the tenancy agreement showing you as one joint tenant. It is not clear why you have also submitted one tenancy agreement that does not show you as a tenant. Please explain.

3. As there is a joint tenant, please confirm if the application is made by both joint tenants, if so, please provide their full details and authorisation to you to make the application in joint names.

4. How can you have entered into a tenancy agreement commencing 23 February 2024 when you were only named as a tenant from August 2024 onwards?

5. Please provide evidence that the deposit was not lodged.

6. In your application you mention that you wish the Tribunal to order the payment of the deposit by the landlord to you. Please note that an application under rule 103 ONLY deals with any penalty with regard to failure of a landlord to comply with the lodging requirements for a deposit in terms of The Tenancy Deposit (Scotland) Regulations 2011. It does NOT deal with the return of a deposit. If you wish to claim for the return of the deposit and you are unable to do so through the Deposit Scheme adjudication mechanism you would have to lodge a separate application under the appropriate rule.

Please provide the information no later than 8 April 2026. Upon receipt of the information a Legal Member will consider your response and may seek further information from you before a decision is made on whether your application can proceed. In the absence of a response your application may be rejected without further notice.

You may wish to consult a solicitor or advice agency if you require further guidance regarding your application. The Tribunal cannot provide you with legal advice but there are details of advice agencies under the Useful Links section of the Tribunal website.

Please note that the date the application is held to be made is the date the Tribunal receives the last of any outstanding documents necessary to meet the required manner of lodgement and that applications under The Tenancy Deposit Schemes (Scotland) Regulations 2011 cannot be made later than 3 months after the tenancy has ended. It is the responsibility of the Applicant to ensure that any application is made with all necessary information/documentation within that time regardless of any reply date stated on correspondence, otherwise the application will have to be rejected.”

- 4 The Applicant did not respond to the Tribunal’s request for information. The Tribunal wrote again to the Applicant on 10 April 2026 and 28 April 2026

requesting the information with seven days, failing which the application may 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's failure to provide a complete application that complies with the mandatory requirements of rule 103 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.

R O'Hare

7 May 2026

Legal Member/Chair

Date