



**DECISION AND STATEMENT OF REASONS OF JOSEPHINE BONNAR,
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 Procedure Rules")**

Case Reference: FTS/HPC/PR/26/2019

185 Forres Drive, Glenrothes ("the Property")

Faiz Malik, 85 Green Lane, Addlestone ("the Applicant")

BACKGROUND

1. The Applicant lodged an application in terms of Rule 103 of the Procedure Rules and Regulations 9 and 10 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 ("the 2011 Regulations"). The application was received on 7 May 2025. The Applicant stated that his tenancy ended on 30 March 2026.
2. The Tribunal issued a request for further information and documents on 11 May 2025. The Applicant was directed to clarify the name of the Respondent as it appeared to be incorrect and to provide a copy of his tenancy agreement. He was also directed to provide an address for the Respondent. The Applicant failed to respond to the request or to reminders issued on 2 and 18 June 2026. He had been notified that if he failed to respond, the application would be rejected.

DECISION

3. 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.

4. **After consideration of the application and documents lodged in support of same the Legal Member considers there is good reason to believe that it would not be appropriate to accept the application in terms of Rule 8(1)(c) of the Rules.**

Reasons for Decision

5. Regulation 3 of the 2011 Regulations states - "(1) A landlord who has received a tenancy deposit in connection with a relevant tenancy must, within 30 working days of the beginning of the tenancy – (a) pay the deposit to the scheme administrator of an approved scheme." Regulation 9 of the 2011 Regulations states – "(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 103 of the Procedure Rules requires an applicant to provide the name and address of the landlord and a copy of the tenancy agreement. If an applicant is unable to provide an address for the landlord, they must apply for service by advertisement in terms of Rule 5. Also in terms of Rule 5, the Tribunal may request further information from an applicant if an application is incomplete and "the application is held to have been made on the date that the First-tier Tribunal receives the last of any outstanding documents necessary to meet the required manner for lodgement".
7. The application was incomplete when it was submitted on 7 May 2026. It did not meet the requirements of Rule 103. The Applicant has also failed to provide the outstanding documents in response to three requests from the Tribunal in

terms of Rule 5(3). Based on the information provided by the Applicant, the time limit for making the application expired on 30 June 2026. The application is now time-barred. There is no provision in the 2011 Regulations which allows the Tribunal to accept a late application.

8. In all the circumstances, the Legal Member is satisfied that it would not be appropriate to accept the application. It 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.

Josephine Bonnar

Josephine Bonnar, Legal Member

8 July 2026