



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 Ebba Heptinstall in terms of rule 103 of the Rules.

Case reference FTS/HPC/PR/26/3112

At Glasgow on the 8 July 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 Ebba Heptinstall for a penalty regarding a tenancy deposit in terms of rule 103 of the Rules.
2. The application was dated 3 July 2026 and was entered in the case management system of the tribunal chamber on 7 July 2026.
3. I have reviewed this application today and I have decided to reject it under rule 8 (c) on the basis that the tribunal has good reason to believe it would not be appropriate to accept it.

Reasons

4. Rule 103 of the Rules provides:

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.

5. Regulation 9 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 provides:

Requirements for making an application Regulation 9 of The Tenancy Deposit Schemes (Scotland) Regulations 2011 (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. The applicant in her application of 3 July 2026 has confirmed that the tenancy came to an end on 6 April 2026. This means that a completed application to the tribunal should have been made by 5 July 2026. The application is not complete as the landlord's address has not been provided. If the application had been complete, I would have accepted it as it was made two days before the three month time limit. There are other issues with the application as it is not clear to me whether the applicant paid the tenancy deposit to her landlord or another tenant.
- 7. It would not be appropriate for the Tribunal to accept an incomplete application which was sent to the tribunal made two days before the time limit stated in Regulation 9 of The Tenancy Deposit Schemes (Scotland) Regulations 2011. There is no time to write out to the applicant and seek further information. The tribunal has no discretion to extend this period.
- 8. 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.

Lesley Anne Ward

Legal Member