



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/26/1389

Re: Property at 21 Circus Drive, Glasgow, G31 2JN (“the Property”)

Parties:

Dr Nas Khattak (“the Applicant”)

Tribunal Members: Ruth O’Hare, Legal Member with delegated powers from the Chamber President

Decision

The Legal Member determined that there is good reason to believe that it would not be appropriate to accept the application received by it on 25 March 2026. The Tribunal therefore rejects the application under Rule 8(1)(c) of the Rules.

Background

- 1 This is an application for a determination that the landlord has failed to comply with the duties in relation to tenancy deposits under rule 103 of the Rules and regulation 9 of the Tenancy Deposit Scheme (Scotland) Regulations 2011 (“the 2011 Regulations”). The application was received by the Tribunal on 25 March 2026.
- 2 In terms of rule 5(2) of the Rules, a Legal Member with delegated powers from the Chamber President reviewed the application to assess whether it had been lodged in the required manner. Following said review the Tribunal wrote to the Applicant by email on 15 April 2026 requesting further documents under Rule 5(3) of the Rules. In particular, the Tribunal requested clarification as to the address of the let property, a copy of the tenancy agreement, evidence that a tenancy deposit was paid, proof from the three deposit schemes that the deposit was not lodged, and evidence of the end date of the tenancy. The Tribunal also asked the Applicant to confirm if the landlord resided at the property address.
- 3 On 20 April 2026 the Applicant responded by email with a copy of the tenancy agreement. The Applicant confirmed the address of the let property and stated that although the landlord resided at the property at certain times the property

was his home. The Applicant explained that he had received verbal confirmation that the deposit was not lodged with a scheme and referred to a decision of the Tribunal involving the same landlord.

- 4 On 29 April 2026 the Tribunal wrote again to the Applicant requesting further information. The Tribunal asked for evidence of the payment of the tenancy deposit, confirmation of the date the tenancy ended, and confirmation of the Applicant's current address. No response was received from the Applicant. The Tribunal sent them reminders by email on 19 May 2026 and 8 June 2026 requesting the information again otherwise the application would likely be rejected.
- 5 On 8 June 2026 the Tribunal received an email from the Applicant stating *"I am interested. As do all the tenants in the property we also have the keys even though two out of three of us have moved out so in essence we would still be classed as occupancy there it should be noted that there is a rent suspension that's still in motion which has been in motion for I believe over a year now so we're in this limbo therefore I believe that it will still be suitable to proceed this application as technically the tenancy hasn't formally closed."*
- 6 On 29 June 2026 the Tribunal wrote to the Applicant in the following terms:-

"The Tribunal acknowledges your email of 26th June 2026 and notes what you write.

However you have not answered all the questions asked in the Tribunal's email of 29th April. The Tribunal asks questions at this stage to ensure that the application meets all the elements required to proceed. It is important that you read the questions carefully and provide answers to them.

Please answer the following questions or provide the information requested:

- 1. Please provide evidence of you paying a deposit to the Respondent*
- 2. Please confirm the date on which you gave notice that you were leaving*
- 3. Please confirm the date on which you left*
- 4. Please provide your current address*

Please also note that your application is under Rule 103 and deals only with not placing the deposit in an approved scheme. If you wish to seek repayment of the actual deposit you will need to lodge a separate application using Form G and Rule 111.

As previously advised applications under rule 103 require to be lodged with the Tribunal and accepted within 3 months of the tenancy ending. An application is not considered made until the Tribunal receives the last of any documents necessary to meet the requirements of rule 103. It is the responsibility of the applicant to submit a complete application within the three-month period, regardless of any reply date stated on correspondence, otherwise the application will have to be rejected.

Please reply to this office with the necessary information by 6 July 2026."

- 7 No response has been received from the Applicant as at the date of this decision.

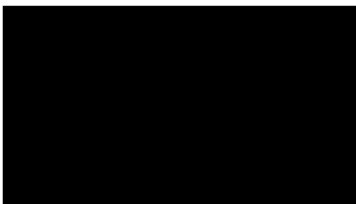
Reasons for decision

- 8 The Legal Member considered the application in terms of the Rules and determined that the application should be rejected in terms of Rule 8(1)(c) 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.”*
- 9 In terms of Rule 5(3) of the Rules, *“if it is determined that an application has not been lodged in the prescribed manner, the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, may request further documents and the application is held to be made on the date that the First-tier Tribunal receives the last of any outstanding documents necessary to meet the required manner for lodgement.”*
- 10 Rule 103 sets out the required manner for lodgement for an application under regulation 9 of the 2011 Regulations:-
- “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.”*
- 11 The Applicant has failed to provide the information requested by the Tribunal which is mandatory for an application under Rule 103, such as his current address. 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 application in its current form does not meet the mandatory requirements for lodgement that apply to an application under Rule 103 of the Rules. The Applicant has been asked for further information on numerous occasions. He has been warned that a failure to provide the information may result in the application being rejected. The Applicant has therefore been given the opportunity to address the outstanding matters.

- 12 It is now almost five months since the application was submitted to the Tribunal. The Legal Member has therefore concluded that the Applicant's failure to cooperate with the Tribunal in providing the request information 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.



5 August 2026

Legal Member/Chair

Date