



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Regulation 10 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 (“the 2011 Regulations”) and in terms of Rule 103 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Procedural Rules”)

Chamber Ref: FTS/HPC/PR/25/1931

Re: Property at Flat 0/2, 43 Garnethill Street, Glasgow, G3 6QD (“the Property”)

Parties:

Mr Robert Elliot, 5 Chancel Drive, Warton, Preston, PR4 1FW (“the Applicant”)

Ms Nicoela Lochore, Flat 2, 1 Montagu Place, London, W1H 2EW (“the Respondent”)

Tribunal Members:

Craig Chisholm (Legal Member) and Melanie Booth (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the case should be dismissed.

Background

1. By application between 6 May 2025 and 6 June 2025 (“the Application”), the Applicant applied to the Tribunal for an Order against the Respondent in terms of Regulation 10 of the 2011 Regulations Rule 103 of the Procedural Rules.
2. The Application was amended to include the registered Landlord of the Property, Cecilia Pope, on 6 May 2025. At the Case Management Discussion of 26 November 2026, the Applicant agreed to withdraw the Application against Mrs Pope.
3. On 11 June 2025 the application was accepted by the tribunal and referred for determination by the tribunal.

4. A CMD took place on 26 November 2026.
5. The Application was heard together with a conjoined application involving the same parties under Tribunal reference FTS/HPC/CV/25/1926 where the Applicant sought an order for payment in terms of Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”).
6. A Hearing was fixed for 19 June 2026 to ascertain whether the Application was made timeously in respect of Rule 103 of the Procedural Rules having regard to Rule 5 of the Procedural Rules and Regulation 9 of the 2011 Regulations.

The Hearing

7. The Hearing took place on 19 June 2026 as a hybrid video conference/in-person Hearing. The Applicant personally appeared *via* video conference and was not represented. The Respondent initially appeared *via* video conference, however, was unable to utilise her camera so matters were adjourned for around 20 minutes for her to attend in person. The Respondent was not represented.
8. The Tribunal explained the purpose of the Hearing and the powers available to the Tribunal to determine matters.
9. The Tribunal asked various questions of the Parties with regards to the application.
10. The Applicant confirmed his wish for an order to be made.
11. The Respondent confirmed her opposition to any order being granted.

Findings in Fact

12. The Applicant had a shared occupancy of the Property and did not have a Private Residential Tenancy falling within the definitions as set out Section 1 of the 2016 Act.
13. The Applicant had paid a tenancy deposit in respect of that shared occupancy to Miles Caaalotti-Lochore on the instruction of the Respondent.
14. The Respondent did not lodge the tenancy deposit within an approved scheme.
15. The Applicant considered the Respondent to be the Landlord of the Property, however, the Respondent was neither the Landlord or owner of the Property.
16. The Respondent had illegally sub-let the Property to the Applicant.

17. Whilst the initial Application has been lodged with the Tribunal on 2 May 2025, it was incomplete. It did not provide all information required in line with rule 103 of the Procedural Rules. The application did not contain information pertaining to the end of tenancy date.
18. The Tribunal had requested further information from the Applicant on 12 May 2025 including information as to when the tenancy ended.
19. The Applicant provided further information as requested on 13 May 2025 confirming the tenancy ended on 7 February 2025.

Reasons for Decision

20. The Tribunal determined that the Application had not been made timeously.

21. 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”

22. Rule 103 of the Procedural Rules state:

“Where a tenant or former tenant makes an application under regulation 9 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.”

23. The Applicant therefore had to lodge all information with the Application under Rule 103 of the Procedural Rules by 6 May 2025. At the earliest, the required information was received by 13 May 2025.

24. The Statutory Time Limit imposed by Regulation 9 of the 2011 Regulations was not met.

25. Whilst the Tribunal had sympathy with the Applicant, the Tribunal must dismiss the case.

26. The Tribunal noted that if the Application was lodged timeously, then an award would have been made against the Respondent in favour of the

Applicant. The Tribunal considered the Respondent's conduct during proceedings to be poor.

Decision

27. The Tribunal determined the Application was not made timeously and therefore the case must be dismissed.

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.

Craig Chisholm

19th of June 2026

Legal Member/Chair

Date