



**DECISION AND STATEMENT OF REASONS OF FIONA WATSON, 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 Rules")**

in connection with

19 Carolina Street, Bertha Park, Perth, PH1 0AP ("the Property")

Case Reference: FTS/HPC/PR/26/3573

Sandra Sierant, 47 Wellington Road, Telford, TF2 8NN ("the Applicant")

1. The Applicant seeks an Order in terms of Rule 103 of the Rules. The Applicant lodged no accompanying documents with the application, which application was lodged by email on 2 August 2026.

DECISION

2. 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.

3. After consideration of the application and the documents submitted by the Applicant in support of same, the Legal Member considers that the application should be rejected on the basis that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Rules.

Reasons for Decision

4. An email was sent to the applicant on 5 August 2026 seeking further information from the Applicant as follows:
 - (i) *“Please provide a copy of the tenancy agreement*
 - (ii) *Please provide evidence of the end date of the tenancy.*
 - (iii) *We have obtained information from the landlord register which names the landlord as Sigma PRS Northern (Betha Park) Limited. Please consider whether you have made the application against the correct respondent. An application under rule 103 must be made against the landlord.”*
6. Said email also stated that *“an application under rule 103 must be made within three months of the end date of the tenancy. The Tribunal has no discretion to extend this deadline. An application is not considered made until all relevant documentation has been provided to the Tribunal. 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."

7. On 10 August 2026 the Applicant replied stating that they had been unable to obtain a copy of the tenancy agreement. The Applicant confirmed that they had obtained details of the landlord being Sigma PRS Northern (Betha Park) Limited and asked if they should amend their application. The Applicant also provided evidence that the end date of the tenancy was 5 May 2026.
8. The tribunal finds that the application is time-barred. Section 9(2) of the Tenancy Deposit Schemes (Scotland) Regulations 2011 states that an application must be made no later than 3 months after that tenancy has ended. The Applicant has confirmed that the tenancy ended on 5 May 2026. Accordingly, the application must have been made no later than 5 August 2026. The Tribunal has no discretion to extend this deadline. The Applicant was advised that an application is not considered made until all relevant documentation has been provided to the Tribunal. 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. The Applicant failed to provide further information until 10 August 2026, and even then, did not provide a copy of the tenancy agreement as had been requested. The application form which had been submitted on 2 August 2026 had been raised against the wrong party. The application form as lodged could not succeed in any event, given that it had not been raised against the landlord as the liable party in terms of the Regulations.
9. The Legal Member therefore determines that there is good reason to believe that it would not be appropriate to accept the application. The application 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.

Fiona Watson
Legal Member
21 August 2026