



**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

2/1, 96 Great George Street, Glasgow, G12 8RY ("the Property")

Case Reference: FTS/HPC/PR/26/3812

**Prisca Teresa Sofia Spagnol, 3/4 46 Bentimck Street, Glasgow, G3 7TT ("the
Applicant")**

1. The Applicant seeks an Order in terms of Rule 103 of the Rules. The Applicant lodged the following accompanying documents with the application:
 - (i) Tenancy agreement
 - (ii) Evidence of end date of tenancy
 - (iii) Correspondence with agent re payment of deposit
 - (iv) Correspondence with tenancy deposit scheme re payment of deposit

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 21 August 2026 seeking further information from the Applicant as follows:
 - (i) *“The application is directed against the Letting Agent. This is not a competent application under rule 103 of the Rules of Procedure and Regulation 9 of The Tenancy Deposit Schemes (Scotland) Regulations 2011. Such an application can only be directed at a landlord. The landlord is stated on your tenancy agreement. Please provide an amended application with the landlord as Respondent and provide the current address of the landlord. If you do not have an address, the letting agent or landlord registration may be able to provide this. If you cannot obtain an address, you should complete an application for service by advertisement using the form on the Tribunal website. This should*

be submitted with evidence a trace report from a tracing agent or Sheriff Officer as evidence of attempts to obtain an address. Please note that an application under Rule 103 must be lodged together with all required information and documents, no later than 3 months after the tenancy has ended so please supply the information as soon as possible and no later than 3 months after the date of the end of the tenancy.

- (ii) Please advise if the other three joint tenants are to be included in the application as joint applicants. If so, please provide their full details and their consent.*
- (iii) Please confirm if you have checked with the other two Tenancy Deposit Scheme providers whether your deposit is protected in their accounts.”*

6. The Applicant failed to reply to said email. A further email was sent to the Applicant on 22 September 2026 again requesting the said information to be provided by no later than 29 September 2026. Said email also stated to the Applicant that *“an application under rule 103 must be made within three months of the end date of the tenancy. It is noted that your tenancy ended on 30 June 2026. The application must therefore be made by 30 September 2026 regardless of any response date stated on our correspondence. An application is not considered made until all of the information requested has been provided to the Tribunal. The Tribunal has no discretion to extend the three month deadline and if an application is not considered made prior to the deadline the application will be rejected.”* The Applicant again failed to reply to said email.

7. The Applicant has failed to cooperate with the tribunal in their reasonable requests for information. The application appears to have been raised against the letting agent rather than the landlord. The obligations under Regulation 9 of The Tenancy Deposit Schemes (Scotland) Regulations 2011 fall on the landlord, not the letting agent. Any application for failure to adhere to said regulation must accordingly be raised against the landlord in order to be competent. The applicant has failed to provide evidence from two of the three tenancy deposits schemes to confirm that no deposit is lodged with them. Further, the tenancy ended on 30 June 2026. The application must therefore be made by 30 September 2026. An application is not considered made until all of the information requested has been provided to the Tribunal. The applicant has failed to provide the information requested within that deadline. The application is accordingly time barred.

8. 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

Fiona Watson
Legal Member
2 October 2026