



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

Chamber Ref: FTS/HPC/PR/26/1359

Re: Property at 9 Roundhill Drive, Elderslie, Johnstone, PA59BG ("the Property")

Parties:

Mr John Paul Bbosa, Block 2.20, 1 Macdowall Street, Paisley, PA3 2NB ("the Applicant")

Mrs Patricia Madden and Mr Richard Madden, both of 8 Roundhill Drive, Elderslie, Johnstone, PA5 9BG ("the Respondents")

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision

At the Case Management Discussion ("CMD") which took place by telephone conference on 8 September 2026, the Applicant was present. The Respondents were also present.

The CMD was in respect of this matter and the related cases bearing reference FTS/HPC/CV/26/1379 and FTS/HPC/PR/26/1357.

Prior to the CMD the Tribunal had received the following additional written representations from the parties –

- i. From the Respondents by email dated 30 July 2026 a request for an extension of the period for lodging written submissions which the Tribunal granted by extending the period therefore to 5pm on Monday 31 August 2026;
- ii. From the Respondents, a letter dated 31 August 2026 with written submissions attached; and
- iii. From the Applicant by email dated 2 September 2026 a request for a postponement of the CMD which the Tribunal refused.

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that -

Background

The Tribunal noted the following background –

- i. The Respondents leased the Property to the Applicant and Mrs Angel Bbosa in terms of a Private Residential Tenancy Agreement ("the PRT") that commenced on 26 July 2019.
- ii. The rent payable in terms of the tenancy was initially agreed to be £850 per calendar month payable in advance on the 26th day of each month.
- iii. The deposit agreed to be payable in terms of the tenancy was £850 and was paid by the Applicant to the Respondents.
- iv. On 17 January 2025 the Respondents served a Notice to Leave on the Applicant to remove from the Property by 15 April 2025 in terms of Ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 ("the 2016 Act"), namely that the Respondents wish to sell the Property and exit the rental market.
- v. The Applicant vacated the Property on 11 December 2025.
- vi. This application is dated and was lodged with the Tribunal by email on 23 March 2026 and is made under Regulation 10 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 ("the Regulations").
- vii. Whilst the Applicant accepts that the deposit was lodged in an approved scheme in compliance with Regulation 3 of the Regulations he alleges the Respondents to be in breach of Regulations 3 and 42.

The CMD

At the outset of the CMD the Tribunal considered the competency of the application.

Regulation 9 of the 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."*

Section 50 of the 2016 Act states:-

"50 Termination by notice to leave and tenant leaving

- (1) A tenancy which is a private residential tenancy comes to an end if—
(a) the tenant has received a notice to leave from the landlord, and
(b) the tenant has ceased to occupy the let property.*
- (2) A tenancy comes to an end under subsection (1) on the later of—
(a) the day specified in the notice to leave in accordance with section 62(1)(b), or
(b) the day on which the tenant ceases to occupy the let property.*
- (3) For the avoidance of doubt, a tenancy which is to come to an end under subsection (1) may be brought to an end earlier in accordance with section 48."*

In response to questions from the Tribunal the Applicant stated:-

- i. The only Notice to Leave served by the parties relative to the PRT was the Notice to Leave served by the Respondents on 17 January 2025.
- ii. The Applicant did not serve any Notice to Leave prior to vacating the Property on 11 December 2025.

- iii. The Applicant considered the end date of the PRT to be 25 December 2025 as he had paid rent on 26 November 2025 for the following month per his contractual obligations under the PRT.
- iv. The Applicant referred to the provisions of the PRT relative to termination thereof.
- v. Whilst the Respondents' Notice to Leave had sought the Applicant's removal by 25 April 2025 the Applicant did not remove by that date and stayed in occupation. He had decided to leave the Property by 26 December 2025 but left earlier due to "the final straw".

The Tribunal did not require to hear any submissions from the Respondents.

Reasons for Decision

The Tribunal considered the application to have been made outwith the period required by Regulation 9 of the Regulations and therefore the application is not competent and requires to be refused.

In terms of Regulation 9 any application for an order under Regulation 10 "*must be made no later than 3 months after the tenancy has ended*". When did the PRT therefore end?

Section 50 of the 2016 Act makes provision for when a PRT ends where a landlord serves a Notice to Leave as here. The PRT ends "*on the later of (a) the day specified in the notice to leave in accordance with section 62(1)(b), or (b) the day on which the tenant ceases to occupy the let property*".

The day specified in the Notice to Leave served by the Respondents was 25 April 2025 and the Applicant remained in occupation of the Property after that date until his removal on 11 December 2025. The PRT therefore ended on 11 December 2025.

In light of the foregoing any application under Regulation 9 ought to have been with the Tribunal by 11 March 2026.

This application is therefore out of time and incompetent.

Decision

The Tribunal refuses the application as incompetent.

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.

Gillian Buchanan

Legal Member/Chair

Date: 8 September 2026