

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**DECISION AND STATEMENT OF REASONS OF MELANIE BARBOUR, 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 Procedural Rules")**

**in connection with**

**Case reference FTS/HPC/PR/21/1557**

**Parties**

**Regina Wales (Applicant)**

**Mrs Brenda Robertson (Respondent)**

**1 Lauder Drive, Eastfield, G73 3NA (Property)**

1. On 30 June 2021, an application was received from the applicant. The application was made under Rule 103 of the Procedural Rules, being an application for an order for under the tenancy deposit regulations.
2. By letter from the Tribunal dated 14 July 2021 the Tribunal requested further information which included: -
  - a. confirmation as to when the tenancy ended;
  - b. copy of the tenancy agreement or as much information about the tenancy agreement as possible;
  - c. an amended Application form, or amended pages with Sections 7(b) and 7(c) fully completed. 7(b) should contain details of the claim and 7(c) should contain details of the amount sought up to a maximum of three times the deposit.

3. On 21 July 2021 the applicant advised that the tenancy ended on 1 May. She did not provide an amended application form. She did not submit a copy of the lease agreement, but referred to previously receiving lease agreements. She did not advise that she was unable to provide a copy of the lease agreement. She provided some details about the lease but it was not clear if that was all the details about the lease that she was aware of.
4. The letter of 2 August 2021 advised that applicant that there may now be a time bar issue with the application. She was advised to seek legal advice. The applicant failed to provide any further information to the further letter sent on 2 August 2021.

## **DECISION**

5. I considered the application in terms of Rule 8 of the 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."

6. After consideration of the application, the attachments and correspondence from the applicant, I consider that the application should be rejected on the basis that I have good

reason to believe that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Procedural Rules.

## **REASONS FOR DECISION**

7. The Tribunal requested further information to support this application from the applicant. The applicant did not provide the information requested. In addition, I consider that the application is now time-barred. There is a period of three months from date of the end of a tenancy in which an applicant may bring an application under rule 103. In terms of the Tribunal rule 5 (3):- If it is determined that that an application has not been lodged in the prescribed manner, the Chamber President, ..., may request further documents and the application is to be 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.
8. I consider that the applicant's failure to provide this information to support the application, as requested by the Tribunal, gives me good reason to believe that it would not be appropriate to accept the application in circumstances where the applicant is apparently unable to do so in order to progress this application. I also consider that as there is requested information outstanding, then the application has not therefore been made and is now outwith the time limits for bringing an application under rule 103.
9. Accordingly, for this reason, the application must be rejected upon the basis that I have good reason to believe that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Procedural Rules.

## **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.

Melanie Barbour  
Legal Member

2021