

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



**Decision and statement of Reasons of the First Tier Tribunal (Housing and Property Chamber)**

**Under Rule 8 of the First Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ‘the Rules’.**

In respect of application by a tenant in terms of Regulation 9 of the Deposit Schemes (Scotland) Regulations 2011 and in terms of Rule 103 of the First Tier Tribunal for Scotland (Housing and Property Chamber(Procedure) Regulations 2017

**Case reference FTS/HPC/PR/18/0475**

At Glasgow on the 7 March 2018, Lesley Anne Ward, legal member of the First –Tier Tribunal ‘the Tribunal’ with delegated powers of the Chamber President, rejected the above application in terms of Rule 8(1)(C) of the Rules.

1. The application is dated 21 February 2018 and was received by the Tribunal on 23 February 2018. According to the letter from the applicant’s agents Finlayson Solicitors and Notaries to the landlord dated 28 November 2017, the tenancy ended “on around 15 October 2017”. Regulation 9 of the Deposit Scheme (Scotland) Regulations 2011 provides:-  
*9.(1) A tenant who has paid a tenancy deposit may apply to the sheriff 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.*  
Accordingly the application to the Tribunal, as successor to the sheriff, must be made no later than 15 January 2018.
2. Rule 8(1)(c) of the Rules allows an application to be rejected by the Chamber President if “**they have good reason to believe that it would not be appropriate to accept the application**”.
3. I consider that this application is time barred and it would not therefore be appropriate to accept it.

**NOTE: What you should do now.**

If you accept this decision there is no need to reply.

If you disagree with this decision you should note the following:

An applicant aggrieved by this 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 seek permission to appeal within 30 days of the date the decision was sent them. Information about the appeal procedure can be forwarded on request.

L Ward

Lesley Anne Ward

Legal Member

A handwritten signature in blue ink, consisting of a stylized, curved line that forms a partial 'U' shape.