



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 121 of the Housing (Scotland) Act 2006 and Regulation 9 of the Tenancy Deposit Schemes (Scotland) Regulations 2011

Chamber Ref: FTS/HPC/PR/18/1669

Re: Property at 46D Springfield Square, Bishopbriggs, G64 1PX (“the Property”)

Parties:

Miss Susan Anderson, Flat 5, 72 Strathblane Road, Milngavie, G62 8DH (“the Applicant”)

Mrs Lorna Woodward, 71 Meadowborn, Bishopbriggs, G64 3HA (“the Respondent”)

Tribunal Members:

Patricia Anne Pryce (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be rejected.

- **Background**

The Applicant made the present application which was received on 4 July 2018. The application did not reveal the date of termination of the Applicant’s former tenancy of the property. Despite this, the application was accepted by the First-tier Tribunal for Scotland.

- **The Case Management Discussion (CMD)**

The Applicant attended the CMD along with her representative, Miss Mairi Watt of YPeople. The Respondent attended. The tribunal allowed the application to be amended to reflect that the correct address of the property is 46D and not 460. In addition, the tribunal amended the name of the Respondent to reflect that her correct name is “Lorna” and not “Laura”.

- **Findings in Fact**

1. The Applicant's former tenancy ended on 14 February 2018.
2. The Respondent, through her letting agent, had failed to pay the £550 deposit into an approved scheme.
3. The present application was received on 4 July 2018.

- **Reasons for Decision**

The terms of Regulation 9 (2) of the 2011 Regulations are clear. An application such as the present one "...**must**.." be made no later than three months after the tenancy had ended. The Applicant submitted that the tenancy ended on 14 February 2018. The terms of Regulation 9 (2) are mandatory and do not allow any discretion to waive the three month time limit. The application was made almost five months after the end of the tenancy.

- **Decision**

In light of the foregoing, the tribunal rejected the application.

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.

Patricia Pryce

17 September 2018

Legal Member/Chair

Date