



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 8(1)(c) of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”)

Chamber Ref: FTS/HPC/PR/25/4154

Re: Property at Riverside Quay, 1 Forthside Way, Stirling, FK8 1HZ (“the Property”)

Parties:

Mt Tierney McFerran, 88 Hill Street, Alloa, FK10 2LW (“the Applicant”)

Tribunal Members: Ruth O’Hare, Legal Member with delegated powers from the Chamber President

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that there is good reason to believe that it would not be appropriate to accept the application received by it on 26 September 2025. The Tribunal therefore rejects the application under Rule 8(1)(c) of the Rules.

Background

- 1 This is an application for a determination under regulation 10 of the Tenancy Deposit Scheme (Scotland) Regulations 2011 (“the 2011 Regulations”) that the landlord has failed to comply with the duties under regulation 3 of the 2011 Regulations. The Applicant sought an order for payment of up to three times the tenancy deposit.
- 2 In terms of rule 5(2) of the Rules, a Legal Member with delegated powers from the Chamber President reviewed the application to assess whether it had been lodged in the required manner. Following said review the Tribunal wrote to the Applicant on 7 October 2025 in the following terms:-

“A legal member of the Tribunal with delegated powers of the Chamber President has commented as follows:

1. You have made the application against the management company, rather than the landlord. Applications under rule 103 can only be directed against landlords because the Tenancy Deposit Schemes (Scotland) Regulations 2011 apply to landlords.

2. The 2011 Regulations apply to residential tenancies. Please explain why you consider these apply to your tenancy. You may wish to refer to section 1 and schedule 1 of the Private Housing (Tenancies) (Scotland) Act 2016.

3. Please advise when the tenancy ended. Please note that the date the application is held to be made is the date the Tribunal receives the last of any outstanding documents necessary to meet the required manner of lodgement and that applications under The Tenancy Deposit Schemes (Scotland) Regulations 2011 cannot be made later than 3 months after the tenancy has ended. This means that all information must be lodged before 3 months from the end date of the tenancy. It is your responsibility to ensure that any application is made with all necessary information/documentation within that time, regardless of any reply date stated on correspondence, otherwise the application will have to be rejected.

4. If your application is to proceed, you will need to complete section 7c of the application form.

Please reply to this office with the necessary information by 21 October 2025. If we do not hear from you within this time, the President may decide to reject the application.”

3 The Tribunal received no response from the Applicant. On 27 October 2025 the Tribunal wrote again to the Applicant in the following terms:-

“We refer to the Tribunal’s request for information dated 7 October 2025. We do not appear to have received a response from you.

Your application cannot proceed any further without this information. If you fail to provide the requested documents, it is likely that your application will be rejected without further notice.

You should also note that an application under rule 103 must be made within three months of the end date of the tenancy. An application is not considered to be made until all of the required information is received by the Tribunal. It is the applicant’s responsibility to ensure that a completed application is made. The Tribunal has no discretion to extend this deadline.

Please reply within 7 days. You may wish to seek advice from a solicitor or housing advisory service if you require guidance with your response.

Please reply to this office with the necessary information by 3 November 2025. If we do not hear from you within this time, the President may decide to reject the application.”

4 No further response was received from the Applicant.

Reasons for decision

5 The Legal Member considered the application in terms of the Rules and determined that the application should be rejected in terms of Rule 8(1)(c) which states that an application must be rejected if the Tribunal has “*good reason to believe that it would not be appropriate to accept the application.*”

6 The basis of the decision is that the Applicant has failed to provide the information requested by the Tribunal. In terms of Rule 5(3) of the Rules, the Chamber President or another member of the Tribunal under the delegated powers of the Chamber President, may request further documents if it is determined that an application has not been lodged in the prescribed manner. The application in its current form does not meet the mandatory requirements for lodgement that apply to an application under Rule 103 of the Rules. The Applicant has been asked for further information on two occasions. They have been warned that a failure to provide the information may result in the application being rejected. The Applicant has therefore been given the opportunity to address the outstanding matters. Accordingly the Legal Member has concluded that the Applicant’s failure to provide the information constitutes good reason to reject the applications under Rule 8(1)(c).

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.

R O'Hare

Legal Member/Chair

5 November 2025
Date