



**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 Maureen Townsley and David Galbraith in terms of rule 103 of the Rules.

**Case reference FTS/HPC/PR/25/4472**

At Glasgow on the 10 December 2025, 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) (a) and (c) of the Rules

1. This is an application by Maureen Townsley and David Galbraith, for a penalty regarding a tenancy deposit in terms of rule 103 of the Rules.
2. The application was undated and was entered in the case management system of the Tribunal Chamber on 17 October 2025.
3. The in-house convenor reviewed the application on 20 October 2025, and the Tribunal wrote to the applicant on that date as follows:
  - Please submit a letter of authority from Ms. Townsley authorising you to act on her behalf.
  - The tenancy agreement submitted by you shows the landlord to be BC Properties. Please advise why the application is raised against William Cullie as an individual and amend the application if appropriate.
  - The last paragraph of the tenancy agreement states that the agreement is between BC Properties, Ms. Townsley and Hannay Fraser, solicitors, Glasgow. Can you explain the reference to Hannay Fraser, please? They are not mentioned elsewhere in the agreement.  
Please reply by 10 November 2025 or your application might be rejected.
4. The applicant’s representative replied on 15 October 2025 as follows:  
Yesterday mailed an application to the First-Tier Tribunal for Scotland on behalf of a Ms Maureen Townsley. I act as Ms Townsley's representative and have her full permission to speak and liaise on her behalf as you will see when the application delivers to your office. The application relates to Rule 103 Application for order for

payment where landlord has failed to carry out duties in relation to tenancy deposits. Enclosed within is a statement from Safe deposit Scotland and Ms Townsley's Tenancy Agreement for her previous residence. My error in the application form, namely (Form G) is that may not have been signed and or dated, an oversight on my part in my haste to get it submitted before I leave the country next week. Can your office advise if this is the case and if the form is missing a signature and remains undated, can this part of the form be resubmitted on its own, or would the entire application have to be rewritten and submitted separately? Our issue is that we only have one copy of the previous Tenancy Agreement and due to a software issue with the photocopier we were unable to make a copy prior to sending the documentation with the application. Any assistance or advice with regards this administrative error would be greatly appreciated.

5. The applicant's representative sent a further detailed response to the Tribunal on 3 November 2025 as follows:

I write in connection with the Rule 103 application submitted on behalf of Ms Maureen Townsley regarding the property at 23 Hudson Terrace, East Kilbride, G75 8JG, which concerns a breach of the landlord's duties under the Tenancy Deposit Schemes (Scotland) Regulations 2011. As requested by the Tribunal's legal member, please find attached a signed letter of authority from Ms Maureen Townsley, authorising me, Mr David M. Galbraith, to act on her behalf and to correspond directly with the Tribunal in relation to this application. I wish to clarify why the respondent is named as Mr William Cullie rather than B.C. Properties, under whose trading name the tenancy was managed. While the name "B.C. Properties" appeared on tenancy-related correspondence and documents, it is not a separate legal entity but merely a trading name used by Mr Cullie personally. The landlord registration for the property (Registration No. 75671/380/26420) is held in the name of Mr William Cullie, and there is no incorporated company registered as "B.C. Properties." In terms of Regulation 3 of the Tenancy Deposit Schemes (Scotland) Regulations 2011, the landlord— being the person who receives or holds the tenancy deposit—bears the statutory responsibility to comply with the deposit protection requirements. Accordingly, the legal obligations and any breach of those obligations lie with Mr William Cullie as the individual landlord. For completeness, I note that landlord registration duties are governed separately under Part 8 (Sections 82–99) of the Antisocial Behaviour etc. (Scotland) Act 2004, which require individual landlords to be registered with their local authority. This further supports that Mr Cullie, as the registered landlord, is the proper respondent to the application. Furthermore, with regards the reference to Hannay Fraser Solicitors within the tenancy agreement, neither myself nor Ms Townsley can explain as to why they are mentioned. To the best of Ms Townsley's knowledge, no representative of said firm was present at the signing of the tenancy agreement. May I therefore respectfully request that the tribunal seek this clarification directly from Mr Cullie to establish as to why they are cited within the tenancy agreement. Please do not hesitate to let me know if the Tribunal requires any further clarification or supporting documentation.

6. The in-house convenor reviewed the application in the light of this further information and the Tribunal wrote to the applicant on 5 November 2025 as follows:

The mandate from the applicant indicates that she has now moved to a new address. Can you please confirm that the tenancy between the parties has now ended and provided any evidence of the end date of the tenancy?

We have noted that the property is owned by Stephen Cullie. If possible, please provide any information you may have regarding the relationship between the applicant and Stephen Cullie.

Please note an application under rule 103 must be made within three months of the end date of the tenancy. The Tribunal has no discretion to extend this deadline. An application is not considered made until all relevant information is received from by the Tribunal. It is the applicant's responsibility to ensure that the application complies with requirements for an application under rule 103.

7. The applicant's representative responded on 12 November 2025 as follows:

Firstly, let me apologise that I have not been able to submit this in a timelier fashion. I have been awaiting the Eviction Notice from Ms Townsley, who was struggling to locate the paperwork as it was misplaced during her move from 23 Hudson Terrace to her current address. As per your request I have attached a copy of the eviction notice which was served on Ms Townsley. I have only set eyes on this this morning and can see the notice shows that the landlord is Mr Stephen Cullie, c/o Angel Homes Scotland Ltd. We have named Mr William Cullie as the respondent as it was he who would have been required at the time of Ms Townsley taking up her tenancy at 23 Hudson Terrace and having paid him her tenancy deposit who would have been responsible for depositing her deposit with an approved tenancy deposit scheme within the required 30 days. Mr Stephen Cullie is the son of Mr William Cullie, and I am informed that he has taken over the management of his father's properties. Ms Townsley has informed me that towards the end of her tenancy at 23 Hudson Terrace, Mr Stephen Cullie was in communication with her, and it was he that was dealing with her eviction and an Energy Performance Certification renewal. It was this request to renew the EPC that alerted Ms Townsley to a possible sale of property. When she asked Mr Stephen Cullie if this was indeed the case, she was told it was not the intention of the landlord to sell the let property, this however was misleading information and Ms Townsley was served her eviction notice a week later citing the ground 1 'your landlord intends to sell the let property'. Should you require anything further, please do not hesitate to get in touch.

8. The tribunal sent a further request for information on 18 November 2025 as follows:

It is noted that the person presenting as the landlord at the start of the tenancy was William Cullie who is the father of Stephen Cullie who holds title to the Property. Do you wish to name Stephen Cullie as a second respondent as he is the only person who had title to grant the tenancy? If so, please provide a current address for Stephen Cullie.

Applications under rule 103 require to be lodged and fully accepted by the Tribunal within 3 months of the tenancy ending. The Tribunal has no discretion to extend that time limit. The notice period in the notice to leave expired on 1 March 2025. The Tribunal appreciates that the tenancy may have continued for some time after 1 March 2025. Please confirm the date on which the tenancy ended to allow the Tribunal to ensure that the application is timeous.

9. The applicant's representative responded on 18 November 2025 as follows:

I think it would be beneficial to name Mr Stephen Cullie as a second respondent in this matter owing to the fact he is named as the property owner on the title deeds. Mr William Cullie being Mr Stephen Cullie's father, was the point of contact for Ms Townsley and it is he who founded B.C Properties (B.C referring to Bill Cullie). As for the date in which Ms Townsley vacated the property at 23 Hudson Terrace, it would now be considered

to be beyond three months. The keys to the property were delivered by myself to Mr William Cullie's home address at 10 Wellesley Drive, East Kilbride, G75 8TR on June 10th 2025. A rule 103 application was sent to the First-Tier Tribunal for consideration prior to Ms Townsley's tenancy ending, however, we received no correspondence as to its position. I was instructed to complete another application on 1st October 2025 and sent this via Royal Mail recorded on 14th October 2025. Our original application remains outstanding to date. I hope this helps, please to not hesitate to get in touch should the tribunal require anything further.

10. The in-house convenor reviewed the application on 21 November 2025 and a further request was sent on 21 November 2025 as follows:

Your email of 18 November 2025 is acknowledged and has been considered.

- Applications under The Tenancy Deposit Schemes (Scotland) Regulations 2011 cannot be made later than 3 months after the tenancy has ended and 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. It is the responsibility of the Applicant 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. The Tribunal has no discretion to extend this time limit.
- You indicate the tenancy ended on 10 June 2025. If that is the case, any application under rule 103 required to be lodged no later than 10 September 2025. This application was received by the tribunal on 16 October 2025. Please confirm that you accept this application is out of time and thus not competent or alternatively provide the tribunal with full detailed legal submissions explaining why it should be accepted? You claim that an earlier application was lodged but the tribunal cannot trace any such application. Do you have proof of delivery of that earlier application, either by recorded delivery post or by email?

11. No reply has been received.

12. I have reviewed this application today and I have decided to reject it under rule 8 (1) (a) and (c).

#### **Reasons**

13. Rule 103 of the Rules provides:

Where a tenant or former tenant makes an application under regulation 9 (First-tier Tribunal orders) of the 2011 Regulations, the application must—

(a) state—

(i) the name and address of the tenant or former tenant;

(ii) the name, address and profession of any representative of the tenant or former tenant; and

(iii) the name, address and registration number (if any) of the landlord;

(b) be accompanied by a copy of the tenancy agreement (if available) or, if this is not available, as much information about the tenancy as the tenant or former tenant can give;

(c) evidence of the date of the end of the tenancy (if available); and

(d) be signed and dated by the tenant or former tenant or a representative of the tenant or former tenant.

14. Regulation 9 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 provides:

Requirements for making an application Regulation 9 of The Tenancy Deposit Schemes (Scotland) Regulations 2011 (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."

15. Rule 8(1)(a) of the Rules allows an application to be rejected by the Chamber President if ***"they consider that an application is vexatious or frivolous"***.

16. "Frivolous" in the context of legal proceedings is defined by Lord Justice Bingham in R-v- North West Suffolk (Mildenhall) Magistrates Court (1998) Env.L.R.9. At page 16 he states:- "What the expression means in this context is, in my view, that the court considers the application to be futile , misconceived, hopeless or academic".

17. I consider that this application is frivolous or vexatious and has no reasonable prospect of success. The information provided suggests that the application is time barred. Regulation 9 requires an application to be made within 3 months of the end date of the tenancy. The applicant's representative has confirmed in his email of 18 November 2025 that more than three months have elapsed. The Tribunal has no discretion to extend this period.

18. Further, it would not be appropriate for the Tribunal to accept an application in terms of rule 8(1)(c) as the applicant has failed to provide a substantive response to the tribunal's email of 21 November 2025. The representative refers to an earlier application in his email of 18 November 2025 but no evidence of an earlier application has been provided.

19. The application therefore has to be rejected.

**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.

**Lesley Anne Ward**

Lesley Anne Ward

Legal Member