



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

Chamber Ref: FTS/HPC/PR/25/5088

Re: Property at 3/2 Rannoch Grove, Unknown, EH4 7EH (“the Property”)

Parties:

Mr Anwar Saeed, 19 Victoria Street, Livingston, EH54 5BG (“the Applicant”)

Tribunal Members: Ruth O’Hare, Legal Member

Decision

The Legal Member of the First-tier Tribunal for Scotland (Housing and Property Chamber) with delegated powers from the Chamber President determined that the application is frivolous and must therefore be rejected under Rule 8(1)(a) of the Rules.

Background

- 1 This is an application for a determination that the landlord has failed to comply with the duties in relation to tenancy deposits under rule 103 of the Rules and regulation 9 of the Tenancy Deposit Scheme (Scotland) Regulations 2011. The application was received by the Tribunal on 26 November 2025.
- 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 2 December 2025 in the following terms:-

“Your application has been assessed by a Legal Member of the Tribunal with the delegated authority of the Chamber President. The Legal Member has stated the following:

- *A Rule 103 application must be made within 3 months of the end date of the tenancy. The Tribunal has no discretion to accept an application made outwith this period. Please confirm that you are withdrawing your application.*

Please reply to this office with the necessary information by 16 December 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3 The Tribunal received no response from the Applicant and as at the date of this decision the application has not been withdrawn.

Reasons for decision

- 4 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”. “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”.
- 5 The Legal Member considers that this application is frivolous having regard to the provisions of the Tenancy Deposit Scheme (Scotland) Regulations 2011 (“the 2011 Regulations”). Regulation 9 of the 2011 Regulations states:-
- “(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 by summary application and must be made no later than 3 months after the tenancy has ended.”*
- 6 The Applicant has produced email correspondence which confirms that the tenancy between the parties ended on 31 May 2025. In terms of Regulation 9, the deadline for lodging an application under the 2011 Regulations would have been 31 August 2025. There is no provision in the 2011 Regulations that permits the Tribunal to allow an extension to the statutory deadline. Accordingly, the application is futile and must be rejected.

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.

Ruth O'Hare

18 December 2025

Legal Member/Chair

Date