



**DECISION AND STATEMENT OF REASONS OF FIONA WATSON, LEGAL
MEMBER OF THE FIRST-TIER TRIBUNAL WITH DELEGATED POWERS OF
THE CHAMBER PRESIDENT**

**Under Rule 8 of the First-tier Tribunal for Scotland Housing and Property
Chamber Rules of Procedure 2017 ("the Rules")**

in connection with

52 2F1 Madeira Street, Edinburgh, EH6 4AU ("the Property")

Case Reference: FTS/HPC/PR/26/1298

**Amirah Benramadan, 2F2, 147 Granton Road, Edinburgh, EH5 3NL ("the
Applicant")**

1. The Applicant submitted an application under Rule 109 of the Rules. Said applicant sought an order on the basis that the landlord had failed to lodge the tenancy deposit into an approved tenancy deposit scheme within the statutory period.
2. The Applicant lodged the following accompanying documents with the application:
 - (i) Photograph of a signed deposit receipt
 - (ii) Screenshot of bank statements showing monthly payments of £490 with reference "Andrej Radziewicz" between 22 April and 29 September (year unknown)

DECISION

3. The Legal Member considered the application in terms of Rule 8 of the

Chamber Procedural Rules. That Rule provides:-

Rejection of application

8.—(1) *The Chamber President or another member of the First-tier Tribunal under the delegated powers of the Chamber President, must reject an application if—*

- (a) they consider that the application is frivolous or vexatious;*
- (b) the dispute to which the application relates has been resolved;*
- (c) they have good reason to believe that it would not be appropriate to accept the application;*
- (d) they consider that the application is being made for a purpose other than a purpose specified in the application; or*
- (e) the applicant has previously made an identical or substantially similar application and in the opinion of the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, there has been no significant change in any material considerations since the identical or substantially similar application was determined.*

(2) Where the Chamber President, or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, makes a decision under paragraph (1) to reject an application the First-tier Tribunal must notify the applicant and the notification must state the reason for the decision.

4. After consideration of the application and the documents submitted by the Applicant in support of same, the Legal Member considers that the application should be rejected on the basis that there is good reason to believe that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Rules.

Reasons for Decision

5. An email was sent to the Applicant on 24 March 2026 seeking the following information:

“You have not included any evidence of the end date of the tenancy. Please note that a Rule 103 application cannot be accepted more than 3 months after the end date of the tenancy. If this application has been made more than 3 months after the end date of the tenancy, please confirm that you are withdrawing the application.

If the application is not time-barred, please provide the following:

- *A copy of the tenancy agreement. The document you have referred to as the tenancy agreement is a deposit receipt. If you do not have a tenancy agreement, please provide as much evidence as you can of the terms of the tenancy agreement.*
- *Evidence from the three approved tenancy deposit schemes to show that the deposit was not lodged.”*

6. There was no response to the email by the Applicant.
7. A further email dated 15 April 2026 was sent to the Applicant advising that a response should be provided by no later than 22 April 2026, failing which the application may be rejected. The Applicant was also reminded that an application under rule 103 must be made within three months of the end date of the tenancy, that an application is not considered made until the Tribunal has received all information required in terms of rule 103, and that the Tribunal has no discretion to extend this deadline.
8. Again, there was no response to the email by the Applicant.
9. The Applicant has failed to cooperate with the tribunal in their reasonable requests for information. It is not known whether the application has been submitted within three months of the termination of the tenancy as the Applicant has failed to confirm the tenancy end date. This information is imperative to ensure the application has been submitted timeously and for it to be capable of being accepted by the tribunal. A copy tenancy agreement has not been provided to show the contractual arrangement between the parties. No evidence has been lodged from the deposit schemes to confirm the deposit has not been lodged. The Legal Member therefore determines that there is good reason to believe that it would not be appropriate to accept the application. The application is rejected on that basis.

What you should do now

If you accept the Legal Member’s decision, there is no need to reply.

If you disagree with this decision –

An applicant aggrieved by the 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 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. Information about the appeal procedure can be forwarded to you on request.

Fiona Watson
Legal Member
24 April 2026