Housing and Property Chamber
First-tier Tribunal for Scotland

DECISION AND STATEMENT OF REASONS OF MELANIE BARBOUR, 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 Procedural Rules")

in connection with

Case reference FTS/HPC/PR/26/2825

Parties

Mr Robert Elliott (Applicant)

Flat 0/2, 43 Garnethill Street, Glasgow, G3 6QD (House)

1. On 2 May 2025, an application was received from the applicant. The application was made under Rule 103 of the Procedural Rules. The applicant sought an order for a breach of the tenancy deposit regulations .

2. By letters from the Tribunal dated 1 July and 1 September 2026 emailed to the Applicant, the Tribunal requested further information. The applicant has not responded to the Tribunal's information requests at all.

3. As of 23 October 2026, the following matters remain outstanding,

    1. The application is identical to a previous application you submitted to the Tribunal under reference PR.25.1931. The legal member notes that the tribunal held a hearing on that application on 19 June 2026 and a final decision has been made. In terms of Rule 8(e) of the Tribunal's rules of procedure, the Chamber President can reject an

application if an applicant has previously made an identical or substantially similar application and there have been no significant change in any material considerations since the previous application was determined.

2. An application under rule 103 must be made within three months of the end date of the tenancy. It is noted that the tenancy in this case terminated on 7 February 2025. The application would therefore appear to be time barred.

Please withdraw the application otherwise it will likely be rejected by the Chamber President because of the above issues. Alternatively, please explain the legal basis upon which you believe the application can proceed.

DECISION

4. I considered the application in terms of Rule 8 of the 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."

5. After consideration of the application, the attachments and correspondence from the applicant, I consider that the application should be rejected on the basis that I have good reason to believe that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Procedural Rules.

REASONS FOR DECISION

6. The Tribunal had requested further information to support this application from the applicant. The applicant has not provided the information requested.

7. The applicant's failure to provide the requested information to support the application gives me good reason to believe that it would not be appropriate to accept the application, in circumstances it appears that the application is not competent, alternatively it is competent, the applicant has failed to explain why this is the case. For the avoidance of doubt I also consider that this application could also have been rejected as frivolous, as it does not appear to be competent given the tenancy terminated on 7 February 2025 and these applications require to be brought within three months of a tenancy terminating.

8. Accordingly, for this reason the application must be rejected upon the basis that I have good reason to believe that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Procedural Rules.

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.

Melanie Barbour
Legal Member
23 October 2026