



## DECISION AND STATEMENT OF REASONS OF THE FIRST-TIER TRIBUNAL FOR SCOTLAND

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

In respect of

1/2 13 Ashgrove Road, Kilwinning, KA13 6NX ("The Property")

Applicant(s): Ms Laura Victoria Carrera McCourt

Respondent(s): Trinity Properties, 24 Hill Street, Irvine, KA12 0DE

Case Reference: FTS/HPC/PR/19/3952

At Glasgow on 13 January 2020, Andrew McLaughlin, Legal Member of the First-Tier Tribunal with delegated powers of the Chamber President, rejected the above application in terms of rule 8 of the Rules for the following reasons:

1. The Applicant raises an Application in respect of Rule 103 seeking an order under Regulation 9 (1) of the Tenancy Deposit Schemes (Scotland) Regulations 2011 ("The Regulations").
2. The Applicant has confirmed that the tenancy ended on 4 June 2019. This application is dated by the Applicant as at 3 December 2019.
3. Regulation 9 (2) of the Regulations states that: "*An application under paragraph (1) ... must be made no later than 3 months after the tenancy has ended*".
4. The Application is therefore time-barred as it has been submitted out with the prescribed time limits as set out in the Regulations. The Tribunal has no discretion to accept applications that do not comply with this Regulation.
5. The Applicant asks the Tribunal to accept the Application on the basis that "*my initial application was never received despite having proof from Royal Mail confirming the item was signed for at the address in which the Scottish Courts and Tribunal Service is located*." The Tribunal however has no discretion to accept any Application that is submitted out of time on cause shown.
6. I consider that it is not appropriate to accept the Application in terms of Tribunal Rule 8 (C) which allows for an Application to be rejected by a Legal Member of the Tribunal on behalf of the Chamber President if "*they have good reason to believe that it would not be appropriate to accept the application*." The Application is therefore 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 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 seek permission to appeal within 30 days of the date the decision was sent to them.

Andrew McLaughlin

Mr Andrew McLaughlin

Legal Member

13 January 2020