



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

Chamber Ref: FTS/HPC/CV/25/4924

Re: Property at 7C Springwell Place, Stewarton, KA3 5DD (“the Property”)

Parties:

Mr David Robertson, The Old Byre, 2 Fairlie Crevoch Farm, Cunninghamhead, East Ayrshire, KA3 2PD (“the Applicant”)

Tribunal Members: Ruth O’Hare, Legal Member with delegated powers from the Chamber President

Decision

The Legal Member determined that there is good reason to believe that it would not be appropriate to accept this application received by the Tribunal on 14 November 2025.

The Legal Member therefore rejects the application under Rule 8(1)(c) of the Rules.

Background

- 1 This is an application under rule 111 of the Rules and section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Applicant sought a payment order in respect of rent arrears arising from a private residential tenancy. The application was conjoined with an application for an eviction order under rule 109 of the Rules.
- 2 In terms of Rule 5(2) of the Rules, a Legal Member of the Tribunal 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 by email on 17 November 2025 requesting clarity as to the identity of the applicants in the application. The Applicant emailed the Tribunal on 16 December 2026 seeking an update on the application, and again on 21 January 2026 providing a further Form F application and supporting case papers.

- 3 On 22 January 2026 the Tribunal wrote again to the Applicant asking him to provide the information requested in the Tribunal's email of 17 November 2025 no later than 4 February 2026.
- 4 The Applicant did not provide the information requested by the Tribunal. On 27 January 2026 the Applicant emailed the Tribunal asking if additional information was still required.
- 5 On 29 January 2026 the Tribunal wrote again to the Applicant by email in the undernoted terms:-

"Your application for an eviction order was dismissed on 16 December 2025. This was because you told the Tribunal that the tenant had moved out and that you had recovered the property. The eviction case is now closed.

*You appear to have submitted a further application form in connection with a payment application. However, you already have a payment application under reference **FTS/HPC/CV/25/4924**. Please confirm if you wish this application to proceed. If you do, please provide*

- 1. A current address for the Respondent or make an application for service by advertisement and submit it with a negative trace report from a Sheriff Officer.*
- 2. An updated rent statement which covers the whole period of the arrears until the end of the tenancy.*
- 3. Confirmation that the joint owner is to be added as joint Applicant.*

Please provide a response within 14 days or your application may be rejected."

- 6 On 13 February 2026 the Tribunal received an email from the Applicant with contact details for the respondent's solicitor.
- 7 On 5 March 2026 the Tribunal wrote again to the Applicant in the undernoted terms:-

"A legal member of the Tribunal has reviewed your email of 13 February 2026 and has determined that the following information is required before the application can progress:-

1 We asked for an address for the respondent. You have provided his solicitor's contact details. Please provide written confirmation from the respondent's solicitor that they are instructed to accept service of any documents on his behalf. Alternatively, please provide a current address for the respondent or an application for service by advertisement and a negative trace report from a sheriff officer.

2 Please confirm that the joint owner should be added as a joint applicant.

Please read the above carefully and ensure you provide all of the information requested. Upon receipt of your response we may seek further information from you before a decision is made on whether the application can proceed to a Tribunal for full determination.

You may wish to seek independent legal advice if you require guidance with your response. The Tribunal cannot provide advice as an independent judicial body but there are details of advice agencies available under the Useful Links section of our website.

*Please respond no later than **19 March 2026.***

- 8 On 18 March 2026 the Applicant emailed the Tribunal to advise that he had requested information from the respondent's solicitor and was expecting a response by the end of the week.
- 9 The Tribunal did not hear further from the Applicant. On 20 May 2026 the Tribunal wrote to the Applicant noting the lack of response and asking him to confirm whether he intended on proceeding with the application or if the application was withdrawn. The Tribunal asked the Applicant to provide the outstanding information if he wished to proceed. The Applicant was asked to respond within 14 days failing which the application would be rejected.
- 10 No response has been received from the Applicant as at the date of this decision.

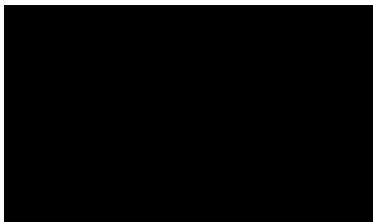
Reasons for decision

- 11 The Legal Member has determined that the application should be rejected in terms of Rule 8(1)(c) of the Rules, which states that an application must be rejected if the Tribunal has "*good reason to believe that it would not be appropriate to accept the application*".
- 12 The basis of the decision is the Applicant's failure to provide the information requested by the Tribunal which is required before the application can be accepted as valid. In particular, the Applicant has failed to provide a proper address for the respondent, or a valid application for service by advertisement under rule 6A. In terms of Rule 5(3) of the Rules, the Chamber President or a Legal Member with delegated powers from the Chamber President, can request further documents from a party if an application does not meet the mandatory requirements for lodgement. The Applicant has been asked to provide further documents on numerous occasions. He has been advised that the application may be rejected if he does not respond. He has therefore been given the opportunity to address the outstanding matters.
- 13 The Legal Member has therefore determined that, based on the Applicant's failure to provide the information and cooperate with the Tribunal, it would not be appropriate to accept the application. The application does not in its current

form comply with the mandatory requirements of rule 111 and must therefore 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.



7 July 2026

Legal Member/Chair

Date