



**DECISION AND STATEMENT OF REASONS OF PETRA HENNIG MCFATRIDGE 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/TE/25/1745

Parties

Miss Sephora Vata (Applicant)

51C Brougham Street, Greenock, PA16 8AJ (House)

A BACKGROUND

1. On 23 April 2025 the applicant lodged with the First –tier Tribunal for Scotland, Housing and Property Chamber (the FTT) an application made under Rule 106 of the Procedural Rules. The applicant indicated he was seeking an order under S 14 of the Private Housing (Tenancies) (Scotland) Act 2016 (Act). She submitted a lodger agreement, a paper apart, an expenses invoice and an email to the respondent dated 16.4.25 which stated this was an official notice that the applicant will be seeking legal

advice and submit an application to the FTT regarding the respondent's refusal to issue her with a notice to quit.

2. On 6.5.25 the applicant wrote to say she is seeking further advice on whether she had actually made the correct application attached to the application and the FTT advised her that the FTT cannot provide legal advice. The applicant on the same day then stated she will be seeking advice from a law centre.
3. On 22.5.25 the FTT wrote again to the applicant asking her to confirm by 12.6.25 whether she wished to continue with the application or amend it. The applicant was advised that if no contact was received the application may be rejected.
4. No reply has been received since.
5. The correspondence lodged in this case is referred to for its terms and held to be incorporated herein.

B DECISION

1. 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."

- 2. After consideration of the application, the attachments and correspondence from the Applicant, I consider that the application should be rejected in terms of Rule 8 (c) of the Rules of Procedure on the basis as the Tribunal has good reason to believe that it would not be appropriate to accept the application.**

C RELEVANT LEGISLATION

The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

106. Where a person makes an application under section 14(2) (to draw up terms where statutory term is unlawfully displaced) of the 2016 Act, the application must—

(a) state—

- (i) the name, address and registration number (if any) of the person;
- (ii) the name, address and profession of any representative of the person;
- (iii) the name and address of the other party to the private residential tenancy;
- (iv) which of the statutory terms the person considers has been displaced; and
- (v) the reasons why the person considers the statutory term has been displaced;

(b) be accompanied by—

- (i) a copy of the written terms of tenancy or, if this is not available, as much information about the tenancy as the person can give; and
 - (ii) evidence to support that a statutory term has been unlawfully displaced; and
- (c) be signed and dated by the person or a representative of the person.

S 14 of the Private Housing (Tenancies) (Scotland) Act 2016:

14 Application to First-tier Tribunal to draw up terms

(1)The tenant under a private residential tenancy may (subject to subsection (3)) apply to the First-tier Tribunal asking it to draw up the terms of the tenancy under section 15 if the landlord—

(a)has a duty under section 10 to provide the tenant with a document which sets out all of the terms of the tenancy, and

(b)the landlord has not provided that document to the tenant.

(2)Either the tenant or the landlord under a private residential tenancy may apply to the First-tier Tribunal asking it to draw up the terms of the tenancy under section 15 if the tenant or landlord thinks that the written terms of the tenancy purport to displace a statutory term in an unlawful manner.

(3)The tenant may not make an application under subsection (1) unless the tenant has given the landlord notice of the tenant's intention to make the application and the notice period described in section 17 has expired.

(4)For the purpose of subsection (2), written terms of a tenancy purport to displace a statutory term in an unlawful manner if—

(a)the statutory term is not included in the written terms of the tenancy but is a term of the tenancy because regulations under section 7(3)(a) do not provide otherwise, or

(b)the statutory term, as expressed in the written terms of the tenancy, bears to be subject to a modification which is not permitted by regulations under section 7(3)(b).

(5)In a case where two or more persons jointly are the tenant under a tenancy, references to the tenant in this section are to any one of those persons.

(6)In a case where two or more persons jointly are the landlord under a tenancy, references to the landlord in this section are to any one of those persons.

D REASONS FOR DECISION

1. The Application is made under Rule 106 of the Procedural Rules. An application under S 14 (2) relates to a term of a Private Residential Tenancy having been unlawfully displaced.
2. The FTT considers that in order to be lodged correctly, Rule 106 (iv) and (v) require the application to set out which term may have been unlawfully displaced and why. The application focuses on no notice to quit having been issued when this had been requested by the applicant from the respondent. In her correspondence of 6.5.25 the applicant further refers to matters of a potential attempt of unlawful eviction and to compensation and states that she wishes recognition of the PRT status of the tenancy, matters which are not covered in an application under rule 106. She is not suggesting that at the time the agreement she did provide was entered into it was not the correct type of agreement. The applicant herself appears to be aware that the type of application she made may not have been the appropriate type of application and states this in the email of 6.5.25.
3. The applicant may wish to take legal advice and if appropriate lodge a fresh application that reflects the outcomes she wishes to achieve.

4. It would not be appropriate for the Tribunal to accept an application without complying with the requirement of rule 106 (iv) and (v). The application is thus rejected.
5. A further ground of rejection in this case is that the applicant has not replied to the request of 22.5.25 to confirm her position regarding the application. The FTT clearly set a final date for a reply of 12.6.25 and no reply has been received. This indicates that the applicant has abandoned the application. She did not reply despite having been advised that this may result in the application being rejected. This decision does not prevent the applicant from making a fresh application in future

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.

Petra Hennig McFatridge

Legal Member

16 July 2025