

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of Karen Moore, Legal Member of the First tier Tribunal with delegated powers of the Chamber President of the First-tier Tribunal for Scotland (Housing and Property Chamber), under Rule 8 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)**

Case reference FTS/HPC/EV/24/5379

**Parties**

**Mrs Jillian Murtagh (Applicant)**

**19 Beecraigs Way, Plains, ML6 7GD (House)**

**Karen Moore (Legal Member)**

**Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be dismissed on the basis that it would not be appropriate to accept the application in terms of Rule 8(1)(c).

**Background**

1. The application was received by the Tribunal on 22 November 2024 under Rule 66 of the Tribunal Rules ,later amended to Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”).
2. The application was considered by the Tribunal and found to be defective as it did not conform to the Tribunal Rules nor did it proceed on the correct statutory basis. The Applicant was contacted by email on 20 December 2024, 17 February 2025, 28 March 2025, 12 April 2025 and 30 May 2025 which emails set out clearly the various defects in the application and the information and documentation required to allow the application to proceed. In these emails the Applicant was advised that, if the information and documentation were not submitted, the application was likely to be rejected and advice was given that legal advice should be taken.
3. Although the Applicant replied to some of the emails, she did not provide the necessary information and did not evidence compliance with the statutory regime set out in the 2016 Act. No indication was given that the correct

information and documentation would or could be submitted to comply with the 2016 Act or the Tribunal Rules.

### **Reasons for Decision**

4. The Tribunal 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;· (c) they have good reason to believe that it would not be appropriate to accept the application; (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. The Tribunal cannot grant the application if it is incomplete, proceeds on the wrong basis and does not conform to the Tribunal Rules. As the Applicant has been given clear information on the defects in the application and has failed to correct the defects, and, as she has been given fair notice that failing to do so might mean that the application might be rejected, the Tribunal considers that there is no prospect of the application being acceptable in terms of the Tribunal Rules. Accordingly, there is good reason to believe that it would not be appropriate to accept the application and so the application is 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.**

# Karen Moore

**Legal Member**

**15 July 2025**

