



**DECISION AND STATEMENT OF REASONS OF JOSEPHINE BONNAR,  
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 Procedure Rules")**

**Case Reference: FTS/HPC/CV/25/1092**

**The Laundry House, Crichton, Stuartfield ("the Property")**

**Nicola Catto, 1 Watermill Cottage, Fraserburgh ("the Applicant")**

1. The Applicant seeks an order for payment in terms of Rule 111 of the Procedure Rules and Section 71 of the Private Housing Tenancies (Scotland) Act 2016 ("the 2016 Act").
2. The Tribunal issued a request for further information and documents in terms of Rule 5(3) of the Procedure Rules. Following receipt of these, the Tribunal issued a further request. The Applicant was asked to clarify whether the Tribunal had jurisdiction and to explain the legal basis for her claim. Although notified that failure to respond may lead to the application being rejected, the Applicant did not respond to the request or to a reminder issued by the Tribunal.

**Decision**

3. After consideration of the application the Legal Member considers that the application should be rejected in terms of Rule 8(1)(c) 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."

**Reasons for decision**

4. Rule 5 of the Procedure Rules states that an application "is held to have been made on the date that it is lodged if, on that date, it is lodged in the manner as set out in..." the relevant Rule. In terms of Rules 5(2) and (3), the Chamber President or a Member with delegated powers must assess whether the "mandatory requirements for lodgement have been met" and "may request

further documents”.

5. The application is in terms of Section 71 of the 2016 Act. This section states that the Tribunal has jurisdiction to deal with civil proceedings arising from a private residential tenancy. In her initial response to a request for information, the Applicant stated that she was seeking compensation in relation to personal property not returned to her by her former landlord. She stated that her tenancy terminated in August 2023. She left a number of belongings in the property in the care of the new tenant who was her former partner. His tenancy ended in February 2025. She arranged thereafter to collect her belongings from the former landlord. It took some time for this to be arranged. When she collected her belongings, some were missing.
6. The Applicant has failed to explain the basis upon which the missing property claim arises from her tenancy. The property was in the care of a third party for some considerable time and there is no evidence that there was a clause in the tenancy agreement in relation to the storage of the property she left behind. It is also not stated that the belongings were left at the property with the landlord's consent or agreement.
7. The Applicant has failed to demonstrate that the Tribunal has jurisdiction and has failed to respond to two requests for information issued in terms of Rule 5(3) of the Procedure Rules. In the circumstances, the Legal Member is satisfied that there is good reason to believe that it would not be appropriate to accept the application. The application is rejected on that basis.

### **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.

Josephine Bonnar, Legal Member  
27 July 2025