



**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/25/0584

129B Murray Terrace, Smithton, Inverness ("the Property")

Stewart Coghill, 8 Barnview, Culloden, Inverness ("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"). Various documents were submitted with the application.
2. The Tribunal issued a request for further information and documents in terms of Rule 5(3) of the Procedure Rules. The Applicant was directed to provide an amended application, as the application lodged names the Landlord as both the Applicant and Respondent and does not mention any of the tenants. In response to the request, the Applicant stated that he had attached an amended application form. However, he had failed to do so. A further request was issued, which stated that an amended application was still required. 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 was lodged in terms of Rule 111. This Rule requires an application to state the name and address of the "other party" to the application. The application lodged by the Applicant contains the Applicant landlord's name and address in both the section of the form that relates to the Applicant and to the Respondent. The Applicant has failed to provide the name and address of the other party both in the initial paperwork and in response to requests for further information issued by the Tribunal.
6. The Applicant has failed to comply with Rules 5 and 111 of the Procedure Rules and the relevant provisions of the 2016 Act. 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

Josephine Bonnar, Legal Member
22 July 2025