



**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/PR/25/1754**

Mr David Oliver (Applicant)

3/2, 47 Wilton Street, Glasgow, G20 6RT (House)

1. The application dated 23.4.2025 was made to the First-tier Tribunal, Housing and Property Chamber (FTT) under Rule 69 of the Procedural Rules. Following requests for further information the Applicant submitted a copy of the tenancy agreement, a rent increase statement, an AT6 notice, a S 33 Notice and two Notice to Quit documents. He provided a calculation seeking £9,750 for money he had to borrow regarding a deposit, new property furniture, removal costs and distress and inconvenience. He did not provide any information regarding the calculation in terms of S 37 of the Housing (Scotland) Act 1988. The application is directed against the letting agent and not against the landlord.
2. On 1.7.2025 the FTT wrote again in the following terms: Before the application can proceed please address the following: 1. Your application appears to be raised against the Letting Agent rather than the landlord. Please lodge an amended application with

the landlord as the Respondent and using their address. 2. Please lodge a written statement in terms of Rule 69(a)(iv) setting out details of the amount of damages sought based on section 37 of the Housing (Scotland) Act 1988. Please be aware that section 37 is very specific and the Tribunal does not have power or jurisdiction to deviate from the terms of that section.

3. On 15.7.2025 the Applicant replied: "The letting agents and the landlords are related, the letting agents evicted me and harressed me"
4. On 6.8.2025 the FTT wrote again in the following terms: Thank you for your recent application which has been reviewed by a Legal Member of the Tribunal with delegated powers of the President. Please provide the following further information : 1. By email dated 1 July 2025 the Tribunal sought further detailed information which is required to allow your application to proceed. You have responded by email dated 14 July 2025. Your email does not address the questions raised. Please provide the information requested. If you do not provide the required information the application is likely to be rejected. Please reply to this office with the necessary information by 20 August 2025. If we do not hear from you within this time, the President may decide to reject the application.
5. No further reply has been received since.

DECISION

6. 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."

7. 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 FTT has good reason to believe that it would not be appropriate to accept the application.

REASONS FOR DECISION

In terms of Rule 69 of the Procedural Rules an application under S 36 of the Housing (Scotland) Act 1988 has to

(a)state—

- (i)the name and address of the former residential occupier;
 - (ii)the name, address and profession of any representative of the former residential occupier;
 - (iii)the name and address and registration number (if any) of the landlord; and
 - (iv)the details of the amount of damages sought based on section 37 of the 1988 Act in respect of the loss of the right to occupy the premises; and
- (b)be signed and dated by the former residential occupier or a representative of the former residential occupier.

8. The Applicant was asked repeatedly for the application to be amended to be directed against the competent Respondent and for him to provide the information regarding the damages in terms of S 37 of the Housing (Scotland) Act 1988. He did not provide the information and the application is not made against the landlord but against the letting agent. The application is rejected because the applicant has not provided the necessary

information for lodging the application under rule 69. He had been given ample opportunity by the FTT to provide the documents and information.

9. It would not be appropriate for the FTT to accept an incomplete application that does not meet the lodging criteria. The application is thus rejected.

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

Petra Hennig McFatridge
Legal Member
18 September 2025