



Decision and statement of Reasons of the First Tier Tribunal (Housing and Property Chamber)

Under Rule 8 of the First Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ‘the Rules’.

In respect of application by Mrs Kelly Hamilton of Clelland Properties Limited in terms of rule 111 of the Rules.

Case reference FTS/HPC/CV/25/1898

At Glasgow on the 1 October 2025, Lesley Anne Ward, legal member of the First –Tier Tribunal ‘the tribunal’ with delegated powers of the Chamber President, rejected the above application in terms of Rule 8(1) (c) of the Rules

1. This is an application by Mrs Kelly Hamilton of Clelland Properties in terms of rule 111.
2. The in-house convenor reviewed the application and the tribunal wrote to the applicant on 6 June 2025 seeking further information as follows:

A Legal Member of the Tribunal has reviewed your application. Before a decision can be made on whether your application can proceed, we require you to provide us with the following information:-

(1) Your application has been raised under rule 111, which rule relates to seeking orders for payment in respect of sums due under a private residential tenancy agreement. At Part 5 of the application where you require to give details of the order sought, you have stated “remove himself and his belongings from our property immediately.” Please note that if you are seeking an order for repossession of the property, you will require to serve the required notices and then raise a separate application under rule 109. This separate application can then be dealt with alongside this rule 111 application for payment order, and both considered at the same time. Please confirm if you wish this rule 111 application to be placed on hold pending you raising a rule 109 application to seek a repossession order?

(2) Please provide a copy of the tenancy agreement.

3. The applicant responded on 6 June 2025 by providing a copy of the tenancy agreement.

4. The in-house convenor reviewed the application again and a further request for information was sent on 9 July 2025 as follows:

Please provide an amended Form F which states the order that you are seeking under Rule 111. If you are seeking an order for payment of the arrears, please specify the amount that you wish to claim. Please reply to this office with the necessary information by 23 July 2025. If we do not hear from you within this time, the President may decide to reject the application.

5. The applicant did not respond.
6. The in-house convenor reviewed the application again and a reminder was sent on 26 August 2025.
7. The applicant responded on that date to state that she had sent the requested information and was due to attend a teleconference.
8. Rule 8(c) of the rules provides that the Chamber President must reject an application if they have good reason to believe it would not be appropriate to accept it. I have good reason to consider that it would not be appropriate to accept this application as the applicant has failed to cooperate with the tribunal in the execution of its duties. Two in-house convenors have reviewed the application and made reasonable requests for further information and the applicant has failed to cooperate. It appears that the applicant may have made a separate application for eviction and a case management discussion may have been fixed, but without the required information this application cannot be accepted and the two matters cannot be conjoined.
9. It is open for the applicant to resubmit the application with the correct supporting documentation.

NOTE: What you should do now.

If you accept this decision there is no need to reply.

If you disagree with this decision you should note the following:

An applicant aggrieved by this 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 seek permission to appeal within 30 days of the date the decision was sent them. Information about the appeal procedure can be forwarded on request.

Lesley Anne Ward

Legal Member

Lesley Ward