



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 8(1)(c) of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”)

Chamber Ref: FTS/HPC/CV/25/2304

Re: Property at 13 Grahamsdyke Crescent, Falkirk, FK4 2DH (“the Property”)

Parties:

L&D Property, C/O Rentlocally, 109 Swanston Road, Edinburgh, EH10 7DS (“the Applicant”)

Rentlocally, 109 Swanston Road, Edinburgh, EH10 7DS (“the Applicant’s representative”)

Tribunal Members: Ruth O’Hare, Legal Member, with delegated powers from the Chamber President

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that there is good reason to believe that it would not be appropriate to accept the application received by it on 29 May 2025. The Tribunal therefore rejects the application under Rule 8(1)(c) of the Rules.

Background

- 1 This is an application for a payment order under rule 111 of the Rules and section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.
- 2 In terms of Rule 5(2) of the Rules a Legal Member with delegated powers from the Chamber President reviewed the application to assess whether it had been lodged in the required manner. Following said review the Tribunal wrote to the Applicant’s representative on 1 July 2025 in the following terms:-

“Before a decision can be made, we need you to provide us with the following:

1. *The title to the property is in the names of DAVID YUILL and LYNDSEY MARGARET SMITH OR YUILL. The landlord on the tenancy agreement and on*

the landlord registration is Lyndsay Yuill. On the application form the Applicant is L&D Properties. The Application must be raised by a party/parties who have right title and interest to do so. Please resubmit the application with the correct applicants named in Part 1. Please also note that a care of address is not acceptable in terms of the Rules.

2. Your application states that the address of the Respondent is not known. The Tribunal require an address at which to serve the application or an Application For service by Advertisement (available on the Tribunal's website) accompanied by a trace report by Sheriff Officers or the like. Please resubmit your application having addressed this point.

3. Please provide a Schedule listing each item claimed for the amount and cross referenced to the relevant invoice.

Please reply within 28 days or your application is likely to be rejected.

Please reply to this office with the necessary information by 29 July 2025. If we do not hear from you within this time, the President may decide to reject the application."

- 3 The Tribunal received no response from the Applicant's representative. On 14 August 2025 the Tribunal wrote again to the Applicant's representative requesting a response to the Tribunal's email of 1 July 2025, failing which the Tribunal may reject the applications.
- 4 No further response was received from the Applicant's representative.

Reasons for decision

- 5 The Legal Member considered the application in terms of the Rules and determined 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.*"
- 6 The basis of the decision is that the Applicant has failed to provide the information requested by the Tribunal. In terms of Rule 5(3) of the Rules, the Chamber President or another member of the Tribunal under the delegated powers of the Chamber President, may request further documents if it is determined that an application has not been lodged in the prescribed manner. The application in its current form does not meet the mandatory requirements for lodgement that apply to an application under Rule 111 of the Rules. The Applicant's representative has been asked for further information on two occasions. They have been warned that a failure to provide the information may result in the application being rejected. The Applicant has therefore been given the opportunity to address the outstanding matters. Accordingly the Legal Member has concluded that the Applicant's failure to provide the information constitutes good reason to reject the application under Rule 8(1)(c).

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.

Ruth O'Hare

30 September 2025

Legal Member/Chair

Date