



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/25/2930

Re: Property at 1/2 30 Langside Place, Glasgow, G41 3DL (“the Property”)

Parties:

Ms Luna Van't Hoff-Popov, Banks Lodge, Drumstinchall, Dalbeattie, DG5 4PE (“the Applicant”)

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 9 July 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 (“the 2016 Act”).
- 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 on 31 July 2025 requesting further information under rule 5(3) of the Rules in the following terms:-

“A Legal Member of the Tribunal with delegated powers of the President has considered your application.

The owner and registered landlord of this property is Alistair Gibson, not the Respondent. Please clarify why you have made the application against Robert

Milligan. You have also stated that he resides at the property. The Tribunal does not have jurisdiction if the landlord was a resident landlord. Please clarify the nature of the tenancy.

Please provide the following

- 1. The documents lodged with the application as the Tribunal cannot accept zip files, as previously advised.*
- 2. A copy of the tenancy agreement.*
- 3. Evidence of payment of the deposit.*
- 4. Confirmation of the date that the tenancy ended.*
- 5. Vouching and details of the legal basis for the additional compensation sought.*

If you are seeking compensation for a breach of the Tenancy deposit Regulations an application under Rule 103 must be submitted on Form G within three months of the tenancy ending. Information is available on the Chamber website.

Please reply to this office with the necessary information by 14 August 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. On 8 September 2025 the Tribunal wrote again to the Applicant with a copy of the request for information dated 31 July 2025. The Tribunal asked the Applicant to reply no later than 15 September 2025, failing which the President may decide to reject the application.
- 4 The Tribunal has received no further response from the Applicant as at the date of this decision.

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 has been asked for further information on two occasions. She has 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

24 October 2025

Legal Member/Chair

Date