



**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/25/3607**

**Re: Property at 3 West Lynn, Dalry, KA24 4LJ (“the Property”)**

**Parties:**

**Miss Cheryll McClelland, Mr Christopher Dow, 2 West Lynn Villa, Dalry, KA24 4LJ (“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 22 August 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 application was received by the Tribunal on 22 August 2025.
- 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.
- 3 Following said review the Tribunal wrote to the Applicants on 2 September 2025 requesting a signed and dated application form and a copy of the signed completed tenancy agreement, noting that the version submitted by the Applicants was blank. The Applicants responded by email on 10 September 2025 with a signed and dated application form. They further advised that *“The tenancy agreement originally expired on 3 January 2024, but the tenant refused to leave. This is why a template tenancy agreement was submitted previously.*

*The agreed monthly rent was £525. The tenant has since abandoned the property without providing a forwarding address. I am in the process of instructing sheriff officers to trace the tenant. As the tenant remained in the property beyond the date the application was sent to yourselves, additional rent arrears have accrued. Furthermore, the property has been left in significant disrepair, and I will need to update the application to include additional costs for repairs."*

- 4 On 3 October 2025 the Tribunal wrote again to the Applicants requesting further information in the following terms:-

*"A Legal Member of the Tribunal with delegated powers of the Chamber President has considered the application and has determined that the following information requires to be provided before the application can progress:*

- 1. Please submit a completed tenancy agreement (it may be that the original tenancy agreement was still in force for this tenant). The tribunal requires to know the details of the tenancy agreement entered into, please provide an agreement with the details included.*
- 2. Please amend the application form stating the total sum that you seeking in any order granted.*
- 3. Please provide an address for the tenant, if you are unable to do so, then you can submit an application for service by application and include a copy of the sheriff officer's report in support of that application.*
- 4. Please provide a final rent statement showing all rent due.*
- 5. If you intend to seek an order for payment which also includes payment for damages, please amend the application to confirm that damages are also sought, specify what damages were caused, and provide evidence to support that part of the claim (e.g. photographs showing the property before the tenancy and after; copy invoices for the cost of any repairs required)*

*Please reply to this office with the necessary information within 14 days of the date of this email. If we do not hear from you within this time, the President may decide to reject the application."*

- 5 The Tribunal received no response from the Applicants. On 11 November 2025 the Tribunal sent a final reminder to the Applicants by email. The Tribunal requested the Applicants provide a response to the Tribunal's request for information within 14 days or the application would likely be rejected.
- 6 No further response has been received from the Applicants as at the date of this decision.

## Reasons for decision

- 7 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.*”
- 8 The basis of the decision is that the Applicants have 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 Applicants have 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 Applicants have therefore been given the opportunity to address the outstanding matters. Accordingly, the Legal Member has concluded that the Applicants’ 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

11 December 2025

Legal Member/Chair

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Date