



**DECISION AND STATEMENT OF REASONS OF JOSEPHINE BONNAR,
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 Procedure Rules")**

Case Reference: FTS/HPC/CV/25/3873

60A Cook Road, Balloch ("the Property")

**Ellie Foubister, Scott Foubister, 18 Riverside Close, St Georges, Weston Super
Mare. ("the Applicant")**

1. The Applicants lodged an application for a payment order in relation to unpaid rent in terms of Rule 111 of the Procedure Rules and Section 71 of the Private Housing Tenancies (Scotland) Act 2016 ("the 2016 Act"). Various documents were submitted with the application. The application form included a claim for future rental payments.
2. The Tribunal issued a request for further information and documents in terms of Rule 5(3) of the Procedure Rules. The Applicant was directed to provide an amended form which did not include rent which was not yet due and a rent statement in support of the application. The Applicant's representative was also asked to provide a mandate authorising him to make the application. The Applicants failed to respond to the request or to two reminders issued by the Tribunal. The Applicants had been notified that if they failed to respond, the application could be rejected.

Decision

3. After consideration of the application the Legal Member considers 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."

Reasons for decision

4. Rule 5 of the Procedure Rules states that an application "is held to have been

made on the date that it is lodged if, on that date, it is lodged in the manner as set out in..." the relevant Rule. In terms of Rules 5(2) and (3), the Chamber President or a Member with delegated powers must assess whether the "mandatory requirements for lodgement have been met" and "may request further documents".

5. The Applicant failed to provide the Tribunal with a valid application, a mandate and a rent statement showing how the arrears were calculated. The Applicant also failed to provide these documents in response to a request issued by the Tribunal in terms of Rule 5(3).

6. In the circumstances, the Legal Member is satisfied that there is good reason to believe that it would not be appropriate to accept the application. The application is rejected on that basis.

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.

Josephine Bonnar

Josephine Bonnar, Legal Member
29 January 2026