



Decision with Statement of Reasons of H Forbes, Legal Member of the First-tier Tribunal with delegated powers of the Chamber President of the First-tier Tribunal for Scotland (Housing and Property Chamber)

Under Rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules")

Chamber Ref: FTS/HPC/PR/25/3612

Re: Property at 24/2 Coltbridge Avenue, Edinburgh, EH12 6AH ("the Property")

Parties:

Mr Finbar Horgan, PF2, 5 Thistle Place, Edinburgh, EH11 1JH ("the Applicant")

Tribunal Members:

H Forbes (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the application should be rejected on the basis that the application is frivolous in terms of Rule 8(1)(a) of the Procedural Rules, and the Tribunal has good reason to believe it would not be appropriate to accept the application in terms of Rule 8(1)(c) of the Procedural Rules.

Background

1. The application was received by the Tribunal under Rule 69 on 22nd August 2025 with associated documents.
2. The application was considered by a Legal Member with the delegated authority of the Chamber President. Further information was requested from the Applicant repeatedly to comply with Rule 69(a)(iv). The Applicant failed to provide the information sought.

3. The Applicant was informed by correspondence dated 11th December 2025 that a failure to provide the requested information by 31st December 2025 was likely to result in rejection of the application. No response was received.

Decision

4. The Tribunal considered the application in terms of Rule 8 of the Chamber Procedural Rules. That Rule provides:-

"Rejection of application

8.-(1) The Chamber President or another member of the First-tier Tribunal under the delegated powers of the Chamber President, must reject an application if-

(a) they consider that the application is frivolous or vexatious;·

(c) they have good reason to believe that it would not be appropriate to accept the application;

(2) Where the Chamber President, or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, makes a decision under paragraph (1) to reject an application the First-tier Tribunal must notify the applicant and the notification must state the reason for the decision."

5. On consideration of the above test, the Tribunal considers that this application is frivolous, misconceived and has no prospect of success. The Tribunal also determined that the application should be rejected in terms of Rule 8(c) on the basis that there is good reason to believe it would not be appropriate to accept the application.

Reasons for Decision

6. Rule 69(a)(iv) provides that an application must state the details of the amount of damages sought based on section 37 of the Housing (Scotland) Act 1988 ("the 1988 Act") in respect of the loss of the right to occupy the premises. Section 37 of the 1988 Act sets out the basis of assessment for damages. An application cannot be accepted without this information. The Applicant has failed to provide this information despite being afforded repeated opportunities to do so.
7. The application is frivolous and there is good reason to believe it would not be appropriate to accept the application. The application is rejected.

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.

H Forbes

Legal Member/Chair

27th January 2026
Date