

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/25/3591

Re: Property at 300 Langside Road, Flat 3/2, Glasgow, G42 8XW (“the Property”)

Parties:

Mr Mahfooz Gilani, 171 Langside Road, Glasgow, G42 7JX (“the Applicant”)

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

Decision

The Legal Member determined there is good reason to believe that it would not be appropriate to accept this application received by it on 21 August 2025.

The Legal Member therefore rejects the application under Rule 8(1)(c) of the Rules.

Background

- 1 This is an application for a payment order under Rule 70 of the Rules in relation to an assured tenancy. The application was received by the Tribunal on 21 August 2025.
- 2 In terms of Rule 5(2) of the Rules, a Legal Member of the Tribunal 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 Applicant on 3 September 2025 to advise that the application was incomplete. The Applicant was asked to provide a copy of the tenancy agreement, a rent statement, an invoice for legal costs claimed, and an amended application form showing the exact sum he was seeking in terms of a payment order.

- 4 On 10 October 2025 the Tribunal received a response from the Applicant by email. The email stated *"I have already sent you an email on 21/8/25 followed up by a phone call & confirming receipt of same. So all we are asking at this stage to plz speed up your procedures so we can get our hands on the full amount of rental arrears for numbers of past years since 2013 accumulated to huge amount of £14382+total expenses of £1000 so total recoverable amount of £15382 to date as shown I will be immensely grateful to you and all your colleagues in HPC Administration help me receive the this rather huge amount of arrears quoted above , many thanks."*
- 5 On 14 October 2025 the Tribunal wrote to the Applicant in the undernoted terms:-

"We refer to your email of 10 October 2025 in response to the Tribunal's request for information.

On 21 August 2025 you submitted a Form F application form to the Tribunal. However, you have not provided us with the other documents that you must submit in support of your claim. Your application cannot proceed any further without this information and if you do not provide the documents your application will have to be rejected.

To clarify, we need you to provide the following documents before your application can proceed any further:-

- 1 A copy of the tenancy agreement*
- 2 A rent statement in a table that shows rent due date, rent due, payments received, and a running balance of the arrears dating back to when the arrears began to accrue.*
- 3 Invoice(s) to vouch for the legal costs claimed.*
- 4 An amended Form F with section 5(c) showing the exact amount you are asking the Tribunal to grant a payment order for.*

If you are unclear as to what is required of you we would strongly encourage you to seek advice from a solicitor or advice agency. The Tribunal cannot provide you with advice, we can only tell you what documents you need to provide in order for your application to progress. There are however details of advice agencies under the Useful Links section of our website.

Finally, you have stated in your email that you want the Tribunal to "plz speed up your procedures". Please note the Tribunal is currently dealing with an unprecedented number of applications, which has inevitably led to an increase in the time taken for proceedings to conclude. The Tribunal cannot give priority to one applicant over another, essentially allowing an applicant to skip the queue of applications, unless there are highly exceptional circumstances, for example if there is an evident risk to a party if the application is not determined at the earliest possible stage. If you consider that there are such exceptional grounds, you can make a formal request for your application to be expedited, however you would have to provide evidence as to why your application should take priority. Medical reasons verified by a letter from a GP or consultant and

the actual link to time scales or similar documents might be an example of such evidence that would be taken into consideration. A high level of arrears would not generally merit expedition.

*Please reply to this office with the necessary information by **28 October 2025**. If we do not hear from you within this time, the President may decide to reject the application."*

- 6 On 27 October 2025 the Tribunal received an email from the Applicant requesting an extension to the deadline for providing the requested information. The Applicant also stated that he *"would like to request the court to implement legally the current of £14382 awarded to me with eviction order granted on 18 August 2025"*.
- 7 On 29 October 2025 the Tribunal wrote to the Applicant agreeing to extend the deadline for response to 21 November 2025. The Tribunal advised the Applicant that it did not deal with enforcement of orders and suggested he take legal advice.
- 8 The Tribunal received no further response from the Applicant. On 15 December 2025 the Tribunal wrote to the Applicant in the following terms:-

"A legal member of the First-tier Tribunal with delegated powers of the Chamber President considers that in order for the Tribunal to be able to process your application further the undernoted information /documentation is required:

On 27 October 2025 you requested further time to provide the information and documents the Tribunal asked for in the further information request of 14.10.2025. In the same email you referred to a payment order made by the Tribunal on 18.8.2025. The Tribunal records confirm that a previous eviction order had been granted and that this had been issued on 18.8.2025 but there does not seem to be a payment order for the amount you referred to on the records. An eviction order, even if it was made on the ground of rent arrears, is not a payment order.

If you now wish to progress your application for a payment order for a specific amount (as you state in the application, you wish to recover rent arrears and some legal costs) please ensure you now provide the Tribunal with all the information and documentation previously requested in the letter from the Tribunal dated 14.10.2025 by 30.12.2025 at 5 pm. If you do not provide this, the application will be rejected as incomplete.

Upon receipt of the information a Legal Member will consider your response and may seek further information from you before a decision is made on whether your application can proceed.

You may wish to consult a solicitor or advice agency if you require further guidance regarding your application. The Tribunal cannot provide you with legal advice but there are details of advice agencies under the Useful

Links section of the Tribunal website.”

- 9 No further response has been received from the Applicant as at the date of this decision.

Reasons for decision

- 10 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*”.
- 11 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 is incomplete. The Applicant has been asked for further documents on several occasions. He has therefore been given ample opportunity to address the outstanding matters.
- 12 The Legal Member has therefore concluded that the Applicant’s failure to provide a complete application 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

28 January 2026

Legal Member/Chair

Date