



**DECISION AND STATEMENT OF REASONS OF PETRA HENNIG MCFATRIDGE 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 Procedural Rules")

in connection with

Case reference FTS/HPC/CV/25/4897

Parties

Mrs Lisa Rourke (Applicant)

2 Spittal Barn, Mye Road, Buchlyvie, FK8 3LY (House)

1. On 12.11.2025 The First-tier Tribunal for Scotland, Housing and Property Chamber (the FTT) received an application from the applicant under rule 111 of the Procedural Rules being an application for civil proceedings in relation to a Private Residential Tenancy under the Private Housing (Tenancies) (Scotland) Act 2016 (the Act). The application was directed against TR Bennie & Son and also against Margaret Bennie as an individual. The application stated as the order sought : "I am applying to the Tribunal to ask that my landlord be thoroughly audited and investigated, in relation to safety certification, landlord registration dates, EPCs, and all other compliance matters. This is in relation to all properties where they are registered landlords (I believe this to be 4). I ask that the Tribunal apply sanctions, fines and take any other appropriate action on account of their failure to be fit and proper landlords. I further ask that the Tribunal orders the

landlord to cease refusing and/or deliberately delaying to carry out requested repairs to the property and continued harassment, stalking and intimidation as detailed above.”

2. On 3.12.2025 the FTT wrote to the applicant in the following terms: I refer to your recent application which has been referred to the Chamber President for consideration. Before a decision can be made, we need you to provide us with the following: 1. Any application lodged with the Tribunal needs to be raised against the correct Respondents. The Respondents are the landlords on the tenancy agreement. 2. The Tribunal only has jurisdiction to deal with disputes arising from a tenancy agreement. With regard to the points of your claim: Landlord Registration and lack of certificates - this is not a matter for the Tribunal. Any complaint you wish to make should be directed to the Landlord Registration section at the local authority Rent Increases - there is a procedure for objecting to a rent increase notice, outlined on the rent increase notice, and there is a section on the Tribunal's website with appropriate forms and guidance in relation to applications to the Tribunal regarding rent Repairs etc - any issues in relation to repairs and safety would fall within the rules in relation to Repairing Standards. There is more information on the Tribunal's website, along with the appropriate application forms Stalking, Harassment and Intimidation - these are matters for the police, not for the Tribunal. Please confirm that you will now withdraw the current application, prior to submitting fresh applications using the correct rules and forms. You may wish to consider seeking advice from a solicitor or housing advice service. Please reply to this office with the necessary information by 17 December 2025
3. On 17.12.2025 the applicant replied: “ In response to your email below, could you please clarify a few points for me: 1. My application was lodged against the company TR Bennie & Son which is the name of my landlord on the PRT I submitted along with Form F. I included two individuals' names as they are the representatives/owners of the company - should I omit their names completely from any subsequent submission? 2. Every single point I raised in my application pertains to breaches of my tenancy agreement but with the regards to the specific points you raised below: Stirling Council Landlord Registration Team have explicitly told me to submit an application to yourselves regarding lack of certificates. Now I feel stuck between a rock and a hard place as both bodies whom I can raise this with say that it is not within their jurisdiction to deal with - what should I do next? I have already submitted a separate application regarding the rent increase. I will submit a fresh application on the appropriate form for repairing standard issues. As to the last point, who enforces legislation that a landlord cannot attend their property without making the appropriate arrangements with their tenant? I look forward to your response. “
4. On 16.1.2026 the FTT wrote to the applicant stating: Your further information has been assessed by a Legal Member of the Tribunal with the delegated authority of the Chamber President. The Legal Member has stated the following: 1. The landlord is as stated on your tenancy agreement. 2. The Tribunal is not permitted to provide advice. Please seek advice from a suitable legal or housing advisor. 3. Please now confirm you are withdrawing the application, failing which, it is likely that a rejection decision will be published on our website Please reply to this office with the necessary information by 30 January 2026. If we do not hear from you within this time, the President may decide to reject the application.

5. No further correspondence has been received.
6. The documents referred to above are referred to for their terms and held to be incorporated herein.

DECISION

7. I considered the application in terms of Rule 8 of the 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;

(b) the dispute to which the application relates has been resolved;

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

(d) they consider that the application is being made for a purpose other than a purpose specified in the application; or

(e) the applicant has previously made an identical or substantially similar application and in the opinion of the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, there has been no significant change in any material considerations since the identical or substantially similar application was determined.

(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."

8. After consideration of the application, the attachments and correspondence from the Applicant, I consider that the application should be rejected in terms of Rule 8 (c) of the Rules of Procedure on the basis as the Tribunal has good reason to believe that it would not

be appropriate to accept the application.

REASONS FOR DECISION

9. The application was made under Rule 111 of the Procedural Rules.
10. An application under this rule can only be made if a civil dispute arises from a Private Residential Tenancy. The applicant had been directed towards the appropriate pathways to raise the matters they can competently raise before the FTT and appear to agree to raise some of the issues by way of separate applications. The Tribunal does not have an overriding oversight over private landlords and does not have powers under rule 111 to “thoroughly audit and investigate” the conduct of a landlord or to make a finding that the landlord is not a fit and proper person to be a landlord or to make orders in terms of harassment accusations. This is not part of the FTT’s jurisdiction in that function. Whilst the FTT does have jurisdiction in terms of repairs matters, the applicant has been directed to raise the relevant issues under the applicable rules and stated this will now be done. With regard to rent increase issues, again this would have to be raised in the appropriate pathway when a rent increase notice is issued and disputed by a tenant. The applicant is not seeking a remedy the FTT can competently order in terms of rule 111, which relates to payment orders arising from Private Residential Tenancies.
11. It is also not clear on which basis the application was made against Margaret Binnie as an individual. The FTT had raised this matter with the applicant and had not received a satisfactory explanation. The title deeds do support that the person is the landlord and thus an application against her could not validly be made.
12. It would therefore not be appropriate to accept the application.

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.



Petra Hennig McFatridge
Legal Member
4 March 2026