



**DECISION AND STATEMENT OF REASONS OF FIONA WATSON, 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 Rules")**

in connection with

18 Glebe Street, Renfrew, PA4 8TX ("the Property")

Case Reference: FTS/HPC/CV/25/4695

Nazar Vasyliv, 78 Kirklands, Renfrew, PA4 8HR ("the Applicant")

1. The Applicant submitted an application under Rule 111 of the Rules. Said applicant sought the following orders:
 - (i) *A declaration that the Applicant ceased to be a tenant under the tenancy for the Property effective 14 May 2025*
 - (ii) *A declaration that the Respondent is solely responsible for the tenancy from that date*
 - (iii) *An order directing Safe Deposits Scotland to repay the full tenancy deposit of £795 to the applicant*

2. The Applicant lodged the following accompanying documents with the application:
 - (i) Private Residential Tenancy Agreement
 - (ii) Written statement
 - (iii) Copy emails
 - (iv) Affidavit from Oleksandr Petrovych Akoskin

DECISION

3. The Legal Member 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;

(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.

4. After consideration of the application and the documents submitted by the Applicant in support of same, the Legal Member considers that the application should be rejected on the basis that there is good reason to believe that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Rules.

Reasons for Decision

5. An email was sent to the Applicant on 25 November 2025 setting out that the legal basis for the application is not clear. It stated that *“the Tribunal does not have jurisdiction to order another tenant, the letting agent or the approved tenancy deposit scheme to do anything. The sections of the legislation to which you refer do not provide support for your position. Please consider withdrawing the application. You may wish to take advice from a solicitor or suitable housing advisor on this matter.”*
6. By email dated 25 November 2025 the Applicant responded, again stating that he wished to seek an order under Rule 111 and with reference to s71 of the 2016 Act. The Applicant also added a further order sought, namely: *“to update the the records (and/or the landlord’s agent, Happy Lets Ltd) directing them to update their tenancy records and offer a new tenancy to Ms Koval if they wish to continue letting the property — and, correspondingly, to release me from future obligations under the tenancy from 14 May 2025.”*
7. By email of 11 December 2026, the Applicant was advised that *“the issue with your application is that you are seeking remedies which the Tribunal cannot grant. The Tribunal cannot, for example, make an order that you be released from a joint tenancy or that the tenancy deposit scheme releases your half share of the deposit to you. You will require to raise these issues with your landlord or letting agent or seek advice from a solicitor if these issues arise from a marital separation.*
8. By email of 11 December 2026 the Applicant responded stating that he now wished to raise an application under section 66 of the 2016 Act and referred to *“unreasonable withholding of consent for assignment of tenancy.”* Also referred to were sections 44, 48, 49, 66, 71 of the 2016 Act.
9. By email of 5 February 2026 the tribunal administration advised the Applicant that he had *“cited various sections of the Private Housing (Tenancies) (Scotland) Act 2016, namely sections 44, 48, 49, 66(1), 66(2) and 71. Those sections do not give the Tribunal jurisdiction to grant the orders you are seeking. As previously advised, you should seek independent legal advice if you require guidance with your present housing situation. We will provide you with a final opportunity to withdraw the application, failing which the application will be rejected and a decision published on the Tribunal’s website.”*
10. By email of 7 February 2026 the Applicant responded stating that he now seeks: *“the Tribunal’s formal acknowledgment of the following: 1. I have ceased to occupy and participate in the tenancy from 14 May 2025. 2. I bear no liability for any obligations arising under the tenancy from that date onwards.”*

11. The Legal Member has considered the email submissions made by the Applicant and considers that the Applicant has repeatedly failed to set out the legal basis upon which his application is raised. Furthermore, the remedies sought by the Applicant have repeatedly changed. The Applicant's email of 7 February 2026 simply seeks "*the Tribunal's formal acknowledgement*" of certain matters. This is not a competent function of the Tribunal. If an application is raised in terms of Rule 111, then the Applicant must (i) seek an order and (ii) set out the legal basis upon which the Tribunal can grant such an order. He has failed to do so. He has referred to sections of the 2016 Act which do not give the Tribunal jurisdiction to grant the orders sought.

12. The Legal Member therefore determines 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.

Fiona Watson
Legal Member
6 March 2026