



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 51(1) of the Private Housing
(Tenancies) (Scotland) Act 2016**

Chamber Ref: FTS/HPC/TE/25/4284

Re: Property at Flat 3/1 12 Ashvale Crescent, Glasgow, G21 1NE (“the Property”)

Parties:

Miss Nicole Baracho, 1/2 3 Meadowpark Street, Glasgow, G31 2RU (“the Applicant”)

At Glasgow on 11 June 2026, Mary-Claire Kelly a legal member of the First-tier Tribunal, “the Tribunal” with delegated powers of the Chamber President, rejected the above application in terms of Rule 8(1)(c).

1. By application dated 5 October 2025 the applicant requested that the Tribunal draw up terms of a private residential tenancy and sought an order for payment for failure to provide a written tenancy agreement under sections 14 and 16 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”). The application was submitted under rules 105 and 106 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017.

2. Section 14(1) states:

14 Application to First-tier Tribunal to draw up terms

(1) The tenant under a private residential tenancy may (subject to subsection (3)) apply to the First-tier Tribunal asking it to draw up the terms of the tenancy under section 15 if the landlord—

(a) has a duty under section 10 to provide the tenant with a document which sets out all of the terms of the tenancy, and

(b) the landlord has not provided that document to the tenant.

3. Section 16 states:

16 First-tier Tribunal's power to sanction failure to provide information

(1) On an application by the tenant under a private residential tenancy, the First-tier Tribunal may make an order under subsection (2) where—

(a) the landlord has failed to perform a duty arising by virtue of section 10 or 11 to provide the tenant with information,

(b) at the time the First-tier Tribunal considers the application, the landlord has still not provided the tenant with the information, and

(c) the landlord does not have a reasonable excuse for failing to perform the duty.

.....

(3) An application under subsection (1)—

(a) may be made only during the course of the tenancy in question,

(b) where the application relates to a failure to perform a duty arising by virtue of section 10, may be made only as part of an application under section 14(1), and

(c) may not be made unless the tenant has given the landlord notice of the tenant's intention to make the application and the notice period described in section 17 has expired.

4. The Tribunal requested further information from the applicant on 4 November 2025. In particular the Tribunal requested clarification as to whether the tenancy was ongoing. By email dated 29 December 2025 the applicant confirmed that the tenancy was no ongoing.
5. The Tribunal emailed the applicant on 28 January 2026, stating that as the tenancy was not ongoing section 14 did not apply and an order could not competently be granted under section 16(3) of the Act. The Tribunal requested that the applicant set out her position on how the application could competently proceed or confirm that the application would be withdrawn. No response was received.

6. The Tribunal sent a reminder email dated 18 March and 12 May 2026. The application was advised that if she failed to provide this information within seven days the Tribunal would have no option but to reject her application. No response was received.
7. Rule 8(1)(c) states that the Chamber President must reject an application if they have good reason to believe that it would not be appropriate to accept it. The present application is incompetent. As the tenancy is not ongoing section 14 does not apply as the applicant is no longer a tenant. Section 16(3) which does not apply after a tenancy has ended. Documents necessary to establish the competency of the application have been requested and not provided. The applicant has failed to respond to reasonable requests by the Tribunal for further information. The applicant has failed to cooperate with the Tribunal in the execution of its duties and has failed to demonstrate that the application can competently proceed.
8. The application is rejected as there is good reason to believe that it would not be appropriate to accept it.

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.

Mary-Claire Kelly

11 June 2026
Date