



Decision with Statement of Reasons of Karen Moore, 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 (Procedure) Regulations 2017 (“the Rules”)

Case reference FTS/HPC/GL/26/2071

Parties

Mr Stephen Day (Applicant)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Application should be dismissed on the basis that it would not be appropriate to accept the Application in terms of Rule 8(1)(c) of the Rules.

Background

1. The Application was received by the Tribunal under Section 97(1) of the Antisocial Behaviour etc (Scotland) Act 2004 (“the 2004 Act”) and Rule 99 of the Rules on 11 May 2026.
2. Rule 99 of the Rules is the relevant Rule for appeals against a local authority’s refusal of a landlord registration application or the local authority’s removal of a landlord from the landlord register. The information which accompanied the Application was not consistent with an application under Rule 99 but supported an application under Rule 100, an appeal in terms of Section 97(1) of the 2004

Act against a decision of a local authority to serve notice under Section 94 of the 2004 Act that no rent is payable.

3. Rule 100 sets out that an application in terms of Section 97(1) of the 2004 Act must be accompanied by a copy of the notification to the person who has use as a dwelling of the house. Section 97(1) of the 2004 Act states that an appeal must be made before the expiry of the period of 21 days beginning with the date specified in that notification.
4. The Application was not accompanied by a copy of the notification to the person who has use as a dwelling of the house but was accompanied by a copy of the notification to the Applicant which gave the effective date of the Section 94 notice as 16 April 2026. Therefore, the Application was lodged outwith the 21 day time limit.
5. The Application was considered by the Tribunal and, by email dated 4 June 2026, the Applicant was advised of the difficulties with Application as outlined above. The email of 4 June 2026 also pointed out that the Applicant had made an earlier application on 10 April 2026 which, although it related to a different notice under Section 94 of the 2004 Act, had similar issues and had not be withdrawn. The Applicant was asked to respond by 18 June 2026 and was warned that failure to reply might mean that the Application might be rejected. The Applicant did not respond.

Reasons for Decision

6. 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."

7. The Tribunal firstly had regard to the fact that the Application proceeds under the wrong Rule. The Tribunal then took the view that even if the Application had proceeded under the correct Rule, the Application was not accompanied by the correct documentation as required by that Rule and was not lodged within the statutory time limit. Accordingly, the Tribunal cannot grant the Application.
8. The Tribunal considers that there is good reason why the Application cannot be accepted. Therefore, 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.

Legal Member

Date

25 June 2026

