



**DECISION AND STATEMENT OF REASONS OF JAMES BAULD, 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 references FTS/HPC/PR/26/0574 and FTS/HPC/PR/26/0577**

**MR JACK MCCORMACK (Applicant)**

**MISS PATRICIA MCCORMACK (Applicant's Representative)**

**5 HILTON, COWIE, STIRLING, FK7 7AW (House)**

1. Two applications were received by the tribunal on 5 February 2026. Both were on Form G and were apparently dated 10 January 2026. The applications were registered by the tribunal administration and grouped together.
2. One application bore to be made under Rule 103 of the Procedural Rules being an application for order for a payment where landlord has failed to carry out duties in relation to tenancy deposits. It was given tribunal reference number FTS/HPS.PR/26/0574.
3. The other application bore to be made under rule 110 being an application for a wrongful termination order. It was given tribunal reference number FTS/HPS.PR/26/0577. The applications were accompanied by supporting

documentation.

4. By way of letter dated 17 February 2026, the tribunal wrote to the applicant's representative setting out a number of issues which required to be addressed in respect of the applications.

5. The email of 17 February 2026 was in the following terms;-

**Your applications have been reviewed by a legal member of the First-tier Tribunal with delegated powers of the Chamber President who has raised the following matters.**

**You have lodged two applications.**

**FTS/HPC/PR/26/0574**

**One application bears to be lodged under rule 103 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. That rule deals with claims under the Tenancy Deposit Schemes (Scotland) Regulations 2011 which allow the tribunal to make an award of up to three times the deposit if a landlord has failed to place a tenancy deposit with an approved scheme in accordance with the Regulations or has failed to provide the prescribed information. This has been given tribunal reference number FTS/HPC/PR/26/0574**

**Applications under The Tenancy Deposit Schemes (Scotland) Regulations 2011 cannot be made later than 3 months after the tenancy has ended and that the date the application is held to be made is the date the Tribunal receives the last of any outstanding documents necessary to meet the required manner of lodgement. It is the responsibility of the Applicant to ensure that any application is made with all necessary information/documentation within that time, regardless of any reply date stated on correspondence, otherwise the application will have to be rejected. The Tribunal has no discretion to extend this time limit.**

**You have lodged a bank statement as evidence of payment of the deposit. Please note that copies of all documents lodged are normally copied to the other party if the application is accepted. Please confirm you are happy for the bank statement to be copied to the other party, or alternatively provide a redacted copy. Please provide evidence that it was not lodged in any of the three approved tenancy deposit schemes.**

**Can you provide a copy of the tenancy agreement. It is noted that you indicate it was given to the homelessness team. Please ask them to return it to you or send it to us using the above reference numbers. If you cannot obtain a copy of the tenancy agreement please confirm the date the tenancy started and the amount of rent payable.**

**Please confirm the date the tenancy ended. Please note the strict time limit mentioned above relating to this particular type of claim**

**If you are seeking an order for the repayment of the deposit itself, then that requires a separate application in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017..**

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**FTS/HPC/PR/26/0577**

**The second application bears to be lodged under Rule 110 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. This rule relates to applications for wrongful termination orders as governed by the Private Housing (Tenancies) (Scotland) Act 2016. The maximum amount which can be awarded by the tribunal in terms of these provisions is six times the monthly rent. This has been given tribunal reference number FTS/HPC/PR/26/0577**

**In your application form, there is mention of a notice being given to the applicant. Can you please provide a copy of the notice to leave that was**

**served on the applicant by the landlords. Please provide details of the method by which it was served. It is also necessary in respect of this application to see the tenancy agreement or to have details of the tenancy.**

**Please note that applications seeking wrongful termination orders can only proceed if a notice to leave has been served upon the tenant which meets the various requirements set out in the Private Housing (Tenancies) (Scotland) Act 2016 and Private Residential Tenancies (Prescribed Notices and Forms) (Scotland) Regulations 2017.**

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**Upon receipt of the above information, a final decision can then be taken on whether the applications are valid and whether it should be accepted and referred to the tribunal for full determination.**

**The tribunal would strongly suggest that you may find it useful to seek independent legal advice on this application, the matters contained in this letter and any further action which you wish to take. These types of applications can raise complex and difficult questions of law. There is a section of the tribunal website which contains information and links to advice agencies and sources of independent advice.**

**Please reply to this request as quickly as possible bearing in mind the strict time limit mentioned above.**

**If you fail to respond to this letter then the tribunal may reject your application. You should be aware that the Tribunal has the power to reject applications on grounds set out in rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017**

**Please reply to this office with the necessary information by 3 March 2026. If you require any further information, please contact us, quoting your reference number**

6. Further requests for additional information and clarification have since been sent on 24 February 2026, 19 March 2026, 13 April 2026, 27 April 2026 and 29 May 2026.
7. There have been responses to those requests from the applicant's representative. None have properly nor remotely addressed the issues raised.
8. The correspondence from the tribunal has also advised that the application may be rejected should the information not be provided. The last email of 29 May 2026 include the following information :- “ ***Please reply with a clear and definitive instruction as to how you wish to proceed no later than 31 May 2026 or your applications will be rejected***”
9. By email dated 30 May 2026, the applicant's representative responded in the following terms (sic)

***“ I do wish to go a head with this 111 and the 110 I will submit new forms and will speak to the housing fraud team who are also dealing with the fraud side of this as we were evicted for no valid reason”***
10. That response does not address the outstanding issues nor has the representative at any time answered the queries originally contained in the mail of 17 February 2026.
11. Each application as it currently stands is clearly incompetent and has no prospects of success. The rule 103 application seems to have been lodged

outside the strict statutory time limit contained in the Tenancy Deposit Schemes (Scotland) Regulations 2011. The rule 110 application has not been accompanied by any Notice to leave as required by the various requirements set out in the Private Housing (Tenancies) (Scotland) Act 2016 and Private Residential Tenancies (Prescribed Notices and Forms) (Scotland) Regulations 2017.

## DECISION

12. The circumstances in which an application is to be rejected are governed by 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."*

**13. After consideration of the application, the further information referred to and the lack of correspondence from the Applicant, the Legal Member considers that the applications should be rejected on the basis that it would not be appropriate to accept the applications within the meaning of Rule 8(1)(c) of the Procedural Rules.**

## **REASONS FOR DECISION**

14. Numerous requests were made for further information from the Applicant's representative. This additional information requested was necessary to allow the applications to proceed. The applicant's representative was informed that the additional information was essential to allow further progress of the applications and was warned that failure to respond may lead to the application being rejected. In the absence of any substantive response by the Applicant, it would not be appropriate to accept the applications and accordingly they are both rejected.

### **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.

Mr James Bauld

Legal Member

9 June 2026