



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/RP/26/1603

Parties

Miss Poppy Nash (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 22 of the Housing (Scotland) Act 2006 (“the 2006 Act”) and Rule 48 of the Rules on 14 April 2026.
2. The Application was considered by the Tribunal and, by email dated 8 June 2026, the Applicant was advised that there was a difficulty with Application, namely that Property did not appear to be a house and that lease did not appear to be one defined by Section 12 of the 2006 Act. The Applicant was asked to clarify or confirm if the Property or any part of it is used for residential purposes. The Applicant was asked to respond by 22 December 2026. No response was

received and a reminder was issued on 23 June 2026 requesting a reply by 30 June 2026. The Applicant was warned that failure to reply might mean that the Application might be rejected. The Applicant did not respond.

Reasons for Decision

3. 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."*
4. Section 22 of the 2006 Act and Rule 48 of the Rules apply to residential properties. In this case, the Applicant has failed to provide the evidence that the Property is residential to any extent and so the Tribunal cannot be certain that it has jurisdiction. The Tribunal cannot grant the Application without this information and certainty.
5. The Tribunal considers that there is good reason why the Application cannot be accepted. Accordingly, 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.

K Moore

Legal Member

Date

3 August 2026