

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”)

Chamber Ref: FTS/HPC/CV/25/1926

Re: Property at Flat 0/2, 43 Garnethill Street, Glasgow, G3 6QD (“the Property”)

Parties:

Mr Robert Elliot, 5 Chancel Drive, Warton, Preston, PR4 1FW (“the Applicant”)

Ms Nicoela Lochore, Flat 2, 1 Montagu Place, London, W1H 2EW (“the Respondent”)

Tribunal Members:

Craig Chisholm (Legal Member) and Melanie Booth (Ordinary Member)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the case should be dismissed due to a lack of jurisdiction.

Background

1. By application between 6 May 2025 and 6 June 2025 (“the Application”), the Applicant applied to the Tribunal for a payment order in the sum of £650.00 against the Respondent in respect of recovery of a tenancy deposit paid by him following the end of a tenancy at the Property in terms of rule 111 of the First-tier Tribunal For Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“The Procedural Rules”).
2. The Application was amended to include the registered Landlord of the Property, Cecilia Pope, on 6 May 2025. At the Case Management Discussion (“CMD”) of 26 November 2026, the Applicant agreed to withdraw the Application against Mrs Pope.
3. On 11 June 2025 the application was accepted by the tribunal and referred for determination by the tribunal.

4. A CMD took place on 26 November 2026.
5. The Application was heard together with a conjoined application involved the same parties for an order in terms of Regulation 10 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 under tribunal reference FTS/HPC/PR/25/1931.
6. A Hearing was fixed for 19 June 2026 as there was a clear dispute between the parties. Specifically, two preliminary matters would require to be addressed. These were (i) does the tribunal have jurisdiction and (ii) what is Mrs. Cassalotti-Lochore's liability as she is neither the head tenant nor the recipient of the tenancy deposit. In respect of jurisdiction.

The Hearing

7. The Hearing took place on 19 June 2026 as a hybrid video conference/in-person Hearing. The Applicant personally appeared *via* video conference and was not represented. The Respondent initially appeared *via* video conference, however, was unable to utilise her camera so matters were adjourned for around 20 minutes for her to attend in person. The Respondent was not represented.
8. The Tribunal explained the purpose of the Hearing and the powers available to the Tribunal to determine matters.
9. The Tribunal asked various questions of the Parties with regards to the application.
10. The Applicant confirmed his wish for an order to be made.
11. The Respondent confirmed her opposition to any order being granted.

Findings in Fact

12. The Applicant had a shared occupancy of the Property and did not have a Private Residential Tenancy falling within the definitions as set out Section 1 of the 2016 Act.
13. The Applicant had paid a deposit in respect of that shared occupancy to Miles Caaalotti-Lochore on the instruction of the Respondent.
14. The Applicant considered the Respondent to be the Landlord of the Property, however, the Respondent was neither the Landlord or owner of the Property.
15. The Respondent has illegally sub-let the Property to the Applicant.

Reasons for Decision

16. Having regard to the above, the Tribunal does not have jurisdiction to consider this application.

Decision

17. The Tribunal determined the case had to be dismissed in line with Rule 27 of the Procedural Rules, which states:

“(1) The First-tier Tribunal must dismiss the whole or a part of the proceedings if the First-tier Tribunal does not have jurisdiction in relation to the proceedings or that part of them.”

18. The Tribunal noted the poor conduct of the Respondent during proceedings and had sympathy with the Applicant.

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.

Craig Chisholm

19th of June 2026

Legal Member/Chair

Date