



**DECISION AND STATEMENT OF REASONS OF FIONA WATSON, 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 Rules")**

in connection with

26 Byres Road, Kilwinning, Ayrshire, KA13 6JT ("the Property")

Case Reference: FTS/HPC/CV/26/2304

Mark McMillan, 26 Byres Road, Kilwinning, Ayrshire, KA13 6JT ("the Applicant")

1. The Applicant seeks an order for payment in terms of Rule 111 of the Rules.
The Applicant lodged the following documents with the application:
 - (i) Screenshots from Future Property Auctions website
 - (ii) Screenshots from Rightmove website
 - (iii) Tenancy agreement
 - (iv) Notice to Leave
 - (v) Photographs for the property

DECISION

2. The Legal Member 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;

(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.

3. After consideration of the application and the documents submitted by the Applicant in support of same, the Legal Member considers that the application should be rejected on the basis that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Rules.

Reasons for Decision

4. An email was sent to the applicant on 16 June 2026 seeking further information from the Applicant as follows:
 - (i) *“Please provide an address for the respondent. A care of address is not sufficient.*
 - (ii) *Please clarify the legal basis of your claim, any particular clauses of the tenancy agreement you consider have been breached, and why you consider that the*

tribunal has the jurisdiction to make the orders that you are seeking. In particular concerns regarding breach of GDPR are not within the jurisdiction of the tribunal.

- (iii) *Please note that a wrongful termination order cannot be considered under rule 111. Rule 110 relates to wrongful termination order. Please amend the application to remove the reference to wrongful termination order.”*

5. This email was not responded to. A further email was sent to the Applicant on 4 August 2026 again seeking this information. Again, this email was not responded to.
6. The application fails to disclose an address for the Respondent, to enable service of the papers if the application were to be accepted. No explanation as to why this has not, or cannot, be provided has been given. The application fails to specify the legal basis for the claims made. The Applicant has failed to cooperate with the tribunal in their reasonable requests for such information.
7. The Legal Member therefore determines that there is good reason to believe that it would not be appropriate to accept the application. The application is rejected on that basis.

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.

Fiona Watson
Legal Member
10 September 2026