



Decision and statement of Reasons of the First Tier Tribunal (Housing and Property Chamber)
Under Rule 8 of the First Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ‘the Rules’.

In respect of application by Ms Tetiana Anatska in terms of rule 111 of the Rules.

Case reference FTS/HPC/EV/26/1645

At Glasgow on the 26 August 2026, Lesley Anne Ward, legal member of the First –Tier Tribunal ‘the Tribunal’ with delegated powers of the Chamber President, rejected the above application in terms of Rule 8(1) (a) and (c) of the Rules

1. This is an application by Ms Tetiana Anatska in terms of rule 111. The application was dated 26 May 2026 and was added to the case management system of the Tribunal Chamber on 27 May 2026.
2. The in-house convenor reviewed the application and the tribunal wrote to the applicant on 17 June 2026 as follows:

Your application has been assessed by a Legal Member of the Tribunal with the delegated authority of the Chamber President. The Legal Member has requested the following information or documentation:

- Please provide a copy of the tenancy agreement.
- You have stated that the Respondent’s address is the same as the property you rented. Please confirm that the Respondent is now living at the property. We must have the correct residential address for the Respondent. If you are unable to provide this, you may wish to instruct a tracing agent or Sherrif Officer to carry out enquiries.

- The Title Deed show ownership of the property to be in the name of

Please confirm if you wish to add the joint owner as a joint Respondent, in which case, please also provide their address.

It would be helpful if you could draw up a spreadsheet or table showing all rent due and rent paid, with the relevant dates included Please reply to this office with the necessary information by 1 July 2026. If we do not hear from you within this time, the President may decide to reject the application. If you require any further information, please contact us, quoting your reference number.

3. The applicant responded on 22 June 2026 by providing a copy of the tenancy agreement and an address for the respondent.
4. The in-house convenor reviewed the application again and the tribunal sent a further request for information on 31 July 2026 as follows:

It would appear from the tenancy agreement provided that this is not a private residential tenancy and that the Tribunal is unlikely to have jurisdiction in this matter. The agreement states that the Respondent is a resident landlord at the property, and you have confirmed that the Respondent resides at this address. Such tenancies cannot be private residential tenancies and, as such, do not come under Rule 111 or any other rule within the Procedural Rules. You would be advised to take advice as to your options for attempting to recover your deposit, and also consider withdrawing this application.

5. The applicant replied on that date stating that she does not wish to withdraw her application and asking for advice about how to go about recovering her deposit.
6. Rule 8(1)(a) of the Rules allows an application to be rejected by the Chamber President if ***“they consider that an application is vexatious or frivolous”***.
7. “Frivolous” in the context of legal proceedings is defined by Lord Justice Bingham in R-v-North West Suffolk (Mildenhall) Magistrates Court (1998) Env.L.R.9. At page 16 he states:- “What the expression means in this context is, in my view, that the court considers the application to be futile , misconceived, hopeless or academic”.
8. I consider that this application is misconceived and has no reasonable prospect of success. The applicant does not have a private residential tenancy agreement and therefore an application in terms of rule 111 is misconceived. Rule 111 only applies to civil proceedings arising out of a private residential tenancy agreement.

9. Further, in terms of Rule 8(c) of the rules I have good reason to consider that it would not be appropriate to accept this application as the applicant appears to be seeking advice from the tribunal in her most recent communication of 31 July 2026. The tribunal is an impartial judicial body and cannot provide advice to parties.

NOTE: What you should do now.

If you accept this decision there is no need to reply.

If you disagree with this decision you should note the following:

An applicant aggrieved by this 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 seek permission to appeal within 30 days of the date the decision was sent them. Information about the appeal procedure can be forwarded on request.

Lesley Anne Ward

Legal Member