

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/PR/26/2046

Parties

Mr Hei Fan Wong (Applicant)

3 Victoria Park Garden South, Glasgow, G11 7BX (House)

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).

Background

1. The Application was submitted by the Applicants’ Representative on their behalf to the Tribunal under Section 36(6A) or (6B) of the Housing (Scotland) Act 1988 (“the 1988 Act”) and Rule 69 of the Rules on 8 May 2026.

2. The Application was considered by the Tribunal and the Applicant was asked to deal with the following points:
- a) It appears from the documents lodged that the Respondent was a resident landlord. If this is the case, and you were a lodger in the Respondent's home, the Tribunal does not have jurisdiction. Please clarify the position.
 - b) If you had exclusive occupation of the property and the Respondent did not live there please provide the following (a) The Respondent's current residential address (b) A copy of your tenancy agreement. (c) Full details of the damages sought and evidence to support this.
 - c) Please note that the damages must be calculated in accordance with Section 37 of the 1988 Act and must be supported by evidence.
3. The Applicant was advised to seek legal advice and was asked to reply by 12 June 2026. The Applicant did not reply. A reminder was issued to the Applicant on 13 July 2026 and a warning that, if there was no reply by 27 July 2026, the application might be rejected. By email dated 13 July 2026, the Applicant wrote "Kick the case out for the moment". By email dated 14 July 2026, the Applicant was asked to confirm if this statement meant that he was withdrawing the application. No response has been received to either the requests for the substantive information or confirmation of the withdrawal.

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; (b) 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. Rule 69 of the Rules applies where there is a tenancy under the 1988 Act and must be accompanied by a damages calculation in terms of Section 37 of that Act. provides that an Application must state the Respondent's address, the reason being to effect service on and fair notice to the Respondent. From the application, the Tribunal could not be certain that it has jurisdiction and has no damages calculation in terms of the 1988 Act. The Tribunal cannot grant the Application without this information.

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 21August 2026