



**DECISION AND STATEMENT OF REASONS OF PETRA HENNIG MCFATRIDGE 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 Procedural Rules")

in connection with

Case reference FTS/HPC/CV/26/1098

Parties

Mr Robert Davies (Applicant)

Apartment 3/14, 149 Ingram Street, Glasgow, G1 1DW (House)

1. On 9.3.2026 the First –tier Tribunal for Scotland, Housing and Property Chamber (the FTT) received an Application for a payment order under Rule 111 of the Procedural Rules. The application was directed against the letting agent and not the landlord of the tenancy. The application was accompanied by a copy of the tenancy agreement and screenshots regarding correspondence about repairs requested by the Applicant and two electricity bills. The entry in part 5 c of the application did not contain an amount sought but stated the Applicant wished “Resolve the issue, compensate for additional heating costs, compensate for loss of balcony, compensate for failed promises and wasted time and inconvenience. I would like a full months rent reimbursement whether that is in one month or split over 2 or 3”.
2. The FTT wrote repeatedly (13.4.2026 and 16.6.2026) to the Applicant requesting the

following: A Legal Member of the Tribunal has reviewed your application. Before a decision can be made on whether your application can proceed, we require you to provide us with the following information:- 1. You appear to be seeking a payment order arising from a private residential tenancy agreement. The tenancy agreement is a contract between you and the landlord, Cheryl Macdonald. Please clarify the legal basis upon which you consider that you can raise a claim against the letting agent, who is not a party to the contract? 2. Your application is lacking in specification as to the quantification of, and the legal basis of, your claim. At Part 5(b) you must specify the figure you are seeking payment of. You must also provide a breakdown of the heads of claim, i.e.. If there are differing amounts for compensation, loss etc then each amount should be quantified. You must also set out the legal basis for each head of claim and provide evidence to support each head of claim. Please note that whilst you seek an order to "resolve the issue" that is not something that can be granted under a rule 111 application.

3. The Applicant was specifically advised: Your application cannot progress any further without this information. If you fail to respond, it is likely that your application will be rejected by the Chamber President and a decision published on the Tribunal's website. If you do not wish to proceed with the application, please confirm in writing that it should be withdrawn. Please reply to this office with the necessary information by 30 June 2026. If we do not hear from you within this time, the President may decide to reject the application.
4. No reply has been received.
5. The file documents are referred to for their terms and held to be incorporated herein.

DECISION

6. I considered the application in terms of Rule 8 of the 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."

7. After consideration of the application, the attachments and correspondence from the Applicant, I consider that the application should be rejected in terms of Rule 8 (c) of the Rules of Procedure on the basis as the Tribunal has good reason to believe that it would not be appropriate to accept the application.

Relevant Legislation

Application for civil proceedings in relation to a private residential tenancy

111. Where a person makes any other application to the First-tier Tribunal by virtue of section 71(1) (First-tier Tribunal's jurisdiction) of the 2016 Act, the application must—

(a) state—

- (i) the name and address of the person;
- (ii) the name and address of any other party; and
- (iii) the reason for making the application;

(b) be accompanied by—

- (i) evidence to support the application; and
 - (ii) a copy of any relevant document; and
- (c) be signed and dated by the person.

REASONS FOR DECISION

8. The application was not directed at the landlord of the tenancy. The application did not specify compensation amounts sought or how these were calculated.

9. The FTT asked repeatedly for this information. No reply was received.
10. The FTT had written to the Applicant's representative on 2 occasions requesting information and had not received the information. Since 13.4.2026 the Applicant has not replied to further correspondence from the FTT. It is clear that the Applicant is no longer engaging with the application process. The Applicant had been advised that the application may be rejected if no reply is received. He did not explain on what legal basis he is directing the application against the letting agent rather than the landlord and did not quantify and substantiate the claim.
11. As the Applicant has disengaged from the process and not replied to repeated requests from the FTT for further information it would not be appropriate to accept an application which clearly is no longer insisted upon.
12. The application it is therefore rejected.

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.

Petra Hennig McFatridge

Legal Member

18 August 2026