



**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/TE/25/3728

**Mr Emmanuel Bamgboye (Applicant)**

**The Caravan at An Croit, An Croit, Claclamish, Portree, IV51 9NY (House)**

**A BACKGROUND**

1. On 1.9.2025 the applicant lodged with the First –tier Tribunal for Scotland, Housing and Property Chamber (the FTT) an application made under Rule 106 of the Procedural Rules. The applicant indicated he was seeking an order under S 14 (2) of the Private Housing (Tenancies) (Scotland) Act 2016 (Act). He submitted a part of a rental agreement for a caravan and a text exchange with the respondent.
2. On 19.9.2025 the FTT wrote to the applicant as follows: A legal member of the First-tier Tribunal with delegated powers of the Chamber President considers that in order for the Tribunal to be able to process your application further the undernoted information /documentation is required: 1. You have not provided a copy of the notice you have to give prior

to making an application under S 14 of the Private Housing (Tenancies) (Scotland) Act 2016. Unless you produce this the application is invalid. 2. Please provide an explanation of the arrangement. What property is subject to the rental agreement? Is it a parking space or a caravan or a van?

3. The applicant provided a copy of a written notice from the respondent to him and a letter from him to the respondent advising them that he has applied to the FFT regarding the tenancy without giving details as to the type of application made.
4. The correspondence lodged in this case is referred to for its terms and held to be incorporated herein.

## **B DECISION**

1. 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."*

- 2. 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.**

## **C RELEVANT LEGISLATION**

The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

**106.** Where a person makes an application under section 14(2) (to draw up terms where statutory term is unlawfully displaced) of the 2016 Act, the application must—

(a)state—

- (i)the name, address and registration number (if any) of the person;
- (ii)the name, address and profession of any representative of the person;
- (iii)the name and address of the other party to the private residential tenancy;
- (iv)which of the statutory terms the person considers has been displaced; and
- (v)the reasons why the person considers the statutory term has been displaced;

(b)be accompanied by—

(i)a copy of the written terms of tenancy or, if this is not available, as much information about the tenancy as the person can give; and

(ii)evidence to support that a statutory term has been unlawfully displaced; and

(c)be signed and dated by the person or a representative of the person.

### **S 14 of the Private Housing (Tenancies) (Scotland) Act 2016:**

#### **14Application to First-tier Tribunal to draw up terms**

(1) The tenant under a private residential tenancy may (subject to subsection (3)) apply to the First-tier Tribunal asking it to draw up the terms of the tenancy under section 15 if the landlord—

(a)has a duty under section 10 to provide the tenant with a document which sets out all of the terms of the tenancy, and

(b)the landlord has not provided that document to the tenant.

(2) Either the tenant or the landlord under a private residential tenancy may apply to the First-tier Tribunal asking it to draw up the terms of the tenancy under section 15 if the tenant or landlord thinks that the written terms of the tenancy purport to displace a statutory term in an unlawful manner.

(3) The tenant may not make an application under subsection (1) unless the tenant has given the landlord notice of the tenant's intention to make the application and the notice period described in section 17 has expired.

(4) For the purpose of subsection (2), written terms of a tenancy purport to displace a statutory term in an unlawful manner if—

(a) the statutory term is not included in the written terms of the tenancy but is a term of the tenancy because regulations under section 7(3)(a) do not provide otherwise, or

(b) the statutory term, as expressed in the written terms of the tenancy, bears to be subject to a modification which is not permitted by regulations under section 7(3)(b).

(5) In a case where two or more persons jointly are the tenant under a tenancy, references to the tenant in this section are to any one of those persons.

(6) In a case where two or more persons jointly are the landlord under a tenancy, references to the landlord in this section are to any one of those persons.

## **D REASONS FOR DECISION**

1. The Application is made under Rule 106 of the Procedural Rules. An application under S 14 (2) relates to a term of a Private Residential Tenancy having been unlawfully displaced.
2. The FTT considers that in order to be lodged correctly, Rule 106 (iv) and (v) require the application to set out which term may have been unlawfully displaced and why. The application focuses on a notice to quit having been issued with a 7 day notice period by the respondent to the applicant. In his correspondence the applicant further refers to matters of a potential attempt of unlawful eviction.
3. Essentially the application is misconceived because the applicant is not alleging that the terms of rental agreement displace terms but that the notice to vacate the property has not complied with any minimum notice periods. This would be a matter to be raised should there be proceedings regarding the removal of the applicant from the property, not a matter than can be raised under S 14.
4. The application is thus rejected.
5. Furthermore there is currently insufficient evidence to establish jurisdiction of the FTT in this matter as the rental seems to relate to the rental of a van on the landlord's property. However, given the nature of the application it is clear that the application itself is not seeking the outcome S 14 of the Act can provide and thus no further enquiries are made regarding the nature of the rental agreement in connection with the application.
6. The applicant may wish to take legal advice and if appropriate lodge a fresh application that reflects the outcomes he wishes to achieve.

## **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  
27 October 2025