



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 8(1)(c) of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”)

Chamber Ref: FTS/HPC/CV/25/3202

Re: Property at 110A High Street, Cockenzie, EH32 0DQ (“the Property”)

Parties:

Strathearn, Salters Road, Wallyford, EH21 8JY (“the Applicant”)

Tribunal Members: Ruth O’Hare, Legal Member with delegated powers from the Chamber President

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that there is good reason to believe that it would not be appropriate to accept the application received by it on 25 July 2025. The Tribunal therefore rejects the application under Rule 8(1)(c) of the Rules.

Background

- 1 This is an application for a payment order under rule 111 of the Rules and section 71 of the Private Housing (Tenancies) (Scotland) Act 2016. The application was received by the Tribunal on 25 July 2025.
- 2 In terms of rule 5(2) of the Rules, a Legal Member with delegated powers from the Chamber President reviewed the application to assess whether it had been lodged in the required manner. Following said review the Tribunal wrote to the Applicant’s representative, Umega Lettings, on 18 August 2025 in the following terms:-

“1. Please provide a current address for the Respondent, as you state they have now left the property. If you are unable to do so, you may wish to consider making an application for Service by Advertisement which must be accompanied by a negative tracing report from a Sheriff Officer or tracing agency. Please let us know if you require further time to carry out enquiries.”

2. Please provide a mandate from the Applicant authorising you to make this application on their behalf.

3. Please provide an amended page of the application form showing the correct legal name of the company applicant.”

3 On 29 August 2025 the Tribunal received an email from the Applicant's representative, Umega Lettings, advising that they did not have a new address for the respondent. The Applicant's representative requested more time to consult with the Applicant with a view to making an application for service by advertisement on the Tribunal's website.

4 On 23 September 2025 the Tribunal wrote to the Applicant's representative in the following terms:-

“• Your email of 29 August is acknowledged and has been considered

• Your application cannot proceed unless and until you provide an address for the tenants or provide the relevant trace report from the sheriff officer and request permission to serve by advertisement. Please provide that information as quickly as possible.

• We note you wish clarification of the name to be used for the applicant. Your application form simply names the applicant as “Strathearn”. The title deeds and landlord registration documents obtained by the tribunal show the owner of the property to be “Strathearn (Edinburgh) Limited. Please provide an amended application form showing the correct company name

• Upon receipt of the above information, a final decision can then be taken on whether the application is valid and whether it should be accepted and referred to the tribunal for full determination.

• Please respond to this letter within the next two weeks. You may wish to obtain independent legal advice on the matters contained in this letter

• If you fail to respond to this letter then the tribunal may reject your application. You should be aware that the Tribunal has the power to reject applications on grounds set out in rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017

• You may wish to obtain independent legal advice on the matters contained in this letter

Please reply to this office with the necessary information by 7 October 2025. If we do not hear from you within this time, the President may decide to reject the application.”

5 The Tribunal received no response from the Applicant's representative. On 5 November 2025 the Tribunal wrote again to the Applicant's representative

requesting a response within 14 days failing which the application would likely be rejected without further notice.

- 6 No further response has been received from the Applicant, nor their representative, as at the date of this decision.

Reasons for decision

- 7 The Legal Member considered the application in terms of the Rules and determined that the application should be rejected in terms of Rule 8(1)(c) which states that an application must be rejected if the Tribunal has “*good reason to believe that it would not be appropriate to accept the application.*”
- 8 The basis of the decision is that the Applicant has failed to provide the information requested by the Tribunal. In terms of Rule 5(3) of the Rules, the Chamber President or another member of the Tribunal under the delegated powers of the Chamber President, may request further documents if it is determined that an application has not been lodged in the prescribed manner. The application in its current form does not meet the mandatory requirements for lodgement that apply to an application under Rule 111 of the Rules. The Applicant’s representative has been asked for further information on two occasions. They have been warned that a failure to provide the information may result in the application being rejected. The Applicant has therefore been given the opportunity to address the outstanding matters. Accordingly, the Legal Member has concluded that the Applicant’s failure to provide the information constitutes good reason to reject the application under Rule 8(1)(c).

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.

Ruth O’Hare

9 December 2025

Legal Member/Chair

Date

