



**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/25/2945](#)

Brian Nugent (Applicant)

69 Mahon Court Moodiesburn, G69 0QF (House)

1. On 8.7.2025 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 from the Applicant's representative. Part 3 of the application (Respondent details) was left blank, part 6 listed various documents, none of which were provided with the application. Part 5 of the application appeared to show that the details entered in part 2 (Applicant Representative Details) may be the relevant details of the Respondent.
2. The FTT wrote repeatedly (5.8.2025, 28.8.2025 and 21.10.2025) to the Applicant requesting the following: 1. If Ms. Nicola Barclay is your representative, please provide her contact details and we will add her to your application. 2. An amended application form with the Respondent's details entered in the correct section as you have stated that Ms. [REDACTED] is your representative. 3. A note of the exact amount sought for each head of claim, a breakdown as to how that has been calculated and explanation why you consider it is due from the Respondent. 4. A copy of the tenancy agreement. 5. The supporting documents referred to in your Application, but which have not been produced.

3. The Applicant had asked for further time to collate the information in an email dated 25.8.2025 and was given initially until 18.9.2025 to provide this. No further reply was received. The FTT in the correspondence on 21.10.2025 set a further deadline of 10.11.2025 advising “We allowed until 18 September 2025 for you to collate and submit the information required. You have not responded. Please either submit the information required or consider withdrawing your application. If we do not hear from you by 10 November 2025, your Application is likely to be rejected. “
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 did not formally contain the Respondent's details.
9. The FTT asked repeatedly for this information. No reply was received.
10. The application did not contain the tenancy agreement, any information about the calculation of the demand and the background to this or any documents verifying the amounts claimed.
11. The application does not provide the information required in terms of Rule 111 (a) (ii) and (b) and (c) of the Procedural Rules.
12. The FTT had written to the Applicant's representative on 3 occasions requesting information and had not received the information. Since 25.8.2025 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.

13. Given that the application does not fulfil the lodging criteria for an application of that nature in terms of Rule 111 of the Procedure Rules, it would not be appropriate for the Tribunal to accept the incomplete application.
14. 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.
15. 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-McFatrige

Petra Hennig McFatrige

Legal Member

28 November 2025