



**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/26/3848

Parties

Miss Rebecca Chester (Applicant)

1/1 41 Kilmany Drive, Shettleston, G32 7DH (House)

1. On 15 September 2026 an application dated 18.8.2026 was received by the Tribunal. The application was made under Rule 111 of the Procedural Rules, being an application for Civil Proceedings arising from a private residential tenancy.
2. The application is directed at the owner of a property situated within the house at 41 Kilmany Drive, Shettleston. The Applicant is another owner of a property within the same house. The Applicant requests repayment of a share of guttering repairs she states she had paid on behalf of the Respondent so that the property factors could instruct repairs.

3. The documents are referred to for their terms and held to be incorporated herein.

DECISION

4. 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."

5. 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.

REASONS FOR DECISION

6. The jurisdiction of the Tribunal in civil matters under rule 111 is determined by S 71 of the Private Housing (Properties) (Scotland) Act 2016. This states:

71 First-tier Tribunal's jurisdiction

1) In relation to civil proceedings arising from a private residential tenancy—

(a) the First-tier Tribunal has whatever competence and jurisdiction a sheriff would have but for paragraph (b),

(b) a sheriff does not have competence or jurisdiction.

(2) For the purposes of subsection (1), civil proceedings are any proceedings other than—

(a) the prosecution of a criminal offence,

(b) any proceedings related to such a prosecution.

7. In this case the documentation lodged with the application does not support that the Applicant and Respondent have entered into any tenancy agreement. Rather, both are owners of individual properties located within the same house. Each party appears to have been required to contribute to a common guttering repair and the Applicant states in order to ensure that the repair could be timeously instructed she had paid the Respondent's share and is now asking for repayment of said share.
8. This is not a dispute arising from a private residential tenancy and thus s 71 of the 2016 Act does not apply and neither does rule 111, which relates solely to disputes arising from a private residential tenancy.
9. Thus it would not be appropriate to accept the application.

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
6 October 2026