Housing and Property Chamber
First-tier Tribunal for Scotland

DECISION AND STATEMENT OF REASONS OF JAMES BAULD, 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/RP/26/3100

Parties

Saturn Fluid Engineering (Applicant)

15B Regent Court, Hughenden Lane, Glasgow, G12 9XU (House)

Background

1. The application was apparently made under Rule 48 of the Procedural Rules being an application for determination of whether a landlord had failed to comply with the repairing standard in terms of the Housing (Scotland) act 2006. The application was accompanied by supporting documentation.

2. By way of email dated 7 August 2026 a request for further information was sent to the Applicant. That letter included the following

"it appears from your application that the repairs which were required may now have been completed and that you are simply attempting to recover certain costs that were incurred. Applications to enforce the repairing standard cannot include a claim for compensation. Such claims require to be lodged separately under a separate procedure with this tribunal if the claim arises from a specific type of private sector tenancy It is also noted that the tenancy in question was granted to a limited company and

accordingly it is not a private residential tenancy governed by the terms of the Private Housing (Tenancies) (Scotland) Act 2016 set. If that is the case then any application for compensation will not lie to this tribunal but to the local sheriff court. Can you please confirm that there are no outstanding repairs in respect of this property and that you now seek to withdraw this application

3. A response dated 24 August 2026 was received to that request.It included the following information

   " Yes, the repairs have now been completed but our application was due to the fact that the agent wanted our tenants to continue living in the property without hot water which I don't believe is acceptable. I note that as we are a limited company, you mention that an application cannot be heard by the tribunal but at the local sheriff court. Are you able to advise how I would do this please?

4. A request for further information was sent to the applicant by way of email dated 2 September 2026. No response was received to that request.

5. A third request for further information was sent on 5 October 2026. No response was received to that request.

6. The terms of the email of 5 October 2026 included the following…

"Your application has been further reviewed by a legal member of the First-tier Tribunal with delegated powers of the Chamber President. It is noted that you have failed to provide further information requested by email dated 2 September 2026 We now write to advise you that if you fail to provide this information within the next seven days the tribunal will have no option but to 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".

DECISION

7. The circumstances in which an application is to be rejected are governed by Rule 8 of the Chamber 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."

8. After consideration of the application, the further information referred to and the correspondence from the Applicant, the Legal Member considers that the application should be rejected on the basis that it would not be appropriate to accept the application within the meaning of Rule 8 (1)(c) of the Procedural Rules**.**

REASONS FOR DECISION

9. Three requests were made for further information from the Applicant. This additional information requested was necessary to allow the application to proceed. The applicant was informed that the additional information was essential to allow further progress of the application and was warned that failure to respond may lead to the application being rejected. The initial request indicated that it appeared that the application was completely ill founded and could not proceed before the tribunal. The response confirmed that all repairs had been completed. No further response has been received from the applicant to the follow requests for information.

10. In the absence of any response by the Applicant, it would not be appropriate to accept the application and accordingly it is 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.

J Bauld

Mr James Bauld
Legal Member
9 November 2026