Housing and Property Chamber
First-tier Tribunal for Scotland

Decision and 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/26/2145

Re: Property at 132, Hardgate, Aberdeen, AB11 6YU ("the Property")

Parties:

Mr Daulat Naique, 544 George Street, Aberdeen, AB25 3XL ("the Applicant")

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

Decision

The Legal Member determined that there is good reason to believe that it would not be appropriate to accept this application received by the Tribunal on 14 May 2026.

The Legal Member therefore rejects the application under Rule 8(1)(c) of the Rules.

Background

1 The Applicant submitted an application to the Tribunal on 14 May 2026 under rule 111 of the Rules seeking a payment order in respect of losses arising from a private residential tenancy ("PRT").

2 In terms of Rule 5(2) of the Rules the application was considered by a Legal Member of the Tribunal with delegated powers from the Chamber President to assess whether it met the mandatory requirements for an application under rule 111. Following said review the Tribunal wrote to the Applicant on 15 May 2026 and 10 July 2026 requesting further specification of his claim. The Applicant responded on 24 July 2026 with an amended application form and supporting documents.

3 On 17 August 2026 the Tribunal wrote to the Applicant stating "*You have lodged an amended application which does not contain the specification previously requested by the Tribunal by email dated 15 May 2026. If the application is to proceed, you must clearly state the legal basis for your claim*

against the Respondent who appears to be a letting with an address in Liverpool. The application seeks payment of £8,406.95 for theft of goods. You must provide a breakdown of the claim and supporting vouching. You have lodged over 1000 pages of supporting documents. Documents lodged should be paginated and cross referenced to the elements of the claim. The Tribunal went on to state "*You have lodged a copy of an opinion from counsel which concludes that the agreement under which you occupied the property was a licence rather than a statutory or common law contract and that it was correctly terminated. You have made your application under rule 111 which covers applications for civil proceedings in relation to a private residential tenancy. Please note that, depending on what you state to be the legal basis for your claim, the Tribunal may not have jurisdiction".*

4 On 30 August 2026 the Applicant responded to the Tribunal advising that the dealings between Aberdeen City Council and the respondent were outwith his remit. He understood the Council had authorised the respondent to manage the property. Any legal paperwork could be obtained from the respondent during the proceedings. It appeared that the respondent had not properly managed the tenancy agreement.

5 On 17 September 2026 the Tribunal wrote to the Applicant by email. The Tribunal noted the Applicant's position, namely that the respondent had managed the property on behalf of the Council as owner. The Tribunal advised that an application under rule 111 could only be made against a private landlord, not a letting agent. The Tribunal did not have jurisdiction to deal with local authority tenancies. Based on the available information, the Tribunal considered it did not have jurisdiction to consider the applications, and if the applications were not withdrawn they would likely be rejected. The Applicant was asked to confirm how he wished to proceed.

6 No response has been received from the Applicant as at the date of this decision.

Reasons for decision

7 The Legal Member has determined that the application should be rejected in terms of Rule 8(1)(c) of the Rules, 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 the Applicant's failure to establish that the application meets the mandatory requirements of rule 111, and in particular that the tenancy between the parties is a PRT. The Tribunal has asked the Applicant for further information on this point on several occasions. The information the Applicant has provided to date indicates that the occupancy arrangement between the Applicant and respondent was not a PRT, and the Applicant has latterly failed to respond to the Tribunal's most recent information request.

9 The Legal Member has therefore determined that, based on the Applicant's failure to establish that the application can proceed under rule 111, there is good reason to believe that it would not be appropriate to accept the application. The application must therefore be rejected under rule 8(1)(c) of the Rules.

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.

10 November 2026

Ruth O'Hare

Legal Member/Chair **Date**