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/PR/26/2152

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 110 of the Rules seeking a wrongful termination order under section 58(2) of the Private Housing (Tenancies) (Scotland) Act 2016.

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 110. Following said review the Tribunal wrote to the Applicant requesting the basis upon which he considered the tenancy agreement to be a private residential tenancy ("PRT"). The Applicant responded on 28 May 2026 with written submissions outlining the basis upon which he understood the tenancy to be a PRT.

3 On 4 June 2026 the Tribunal wrote to the Applicant stating "*You have submitted new application forms which name Aberdeen City Council as the respondent/landlord. Please note that the Tribunal has no jurisdiction to deal with applications against Local Authorities or other Social Landlords. If the*

Council was your landlord then the applications cannot proceed. In addition, the Tenancy Deposit Regulations and provisions of the 2016 Act do not apply as they only apply to private tenancies. You have submitted a number of documents regarding your tenancy, including Counsels opinion, which states that you probably do not have a private tenancy". The Tribunal went on to state *"The application under R110 can only proceed if you can provide the following 1. An amended application under R110 which names a private landlord as Respondent. You may need to establish the relationship between….and the Council to see if they are your landlord. 2. A copy of a notice to leave issued in terms of the 2016 Act. There is a prescribed format for this document and the Notice you have lodged does not meet the legislative requirements".*

4 On 16 June 2026 the Applicant submitted an amended application form which substituted a new party as the respondent. The Applicant advised that whilst he may not have been issued with a notice to leave, the proper eviction process was not followed. The Applicant confirmed he had no dealings with Aberdeen City Council regarding the tenancy.

5 On 10 July 2026 the Tribunal wrote again to the Applicant stating "*As regards your Rule 110 application, if you cannot satisfy the following requirements that (i) your landlord was a private landlord and (ii) that you occupied the property under a Private Residential Tenancy Agreement and (iii) that you were served with a statutory Notice to Leave, then your application under Rule 110 is not competent. You must provide evidence to establish these three factors within 14 days and if you cannot do so, you should confirm if you wish to withdraw your Rule 110 application. If not, your application may be rejected. The Tribunal cannot provide you with legal advice, and you should seek your own independent advice".*

6 On 24 July 2026 the Applicant submitted an amended application form with supporting documents.

7 On 18 August 2026 the Tribunal wrote to the Applicant stating "*We note that your position is that a private residential tenancy agreement has been created and that the notice served upon you before you left the property is a notice to leave. The Tribunal has previously highlighted competency issues relating to whether the agreement signed is a licence and the fact that the notice served upon you is not a notice to leave in terms of section 50 of the Private Housing (Tenancies)(Scotland) Act 2016. You have set out your position on those issues in your written submission. However, you have not provided an explanation for why ……. have been named as the respondent when the property is owned by Aberdeen City Council. The Rent (Scotland) Act 1984 defines a landlord as any person from time to time deriving title under the original landlord. You require to demonstrate how the respondent named in the application derived title to enter into a lease agreement before the application can be accepted to proceed. As previously advised a tenancy granted by Aberdeen City Council does not fall within the jurisdiction of the Tribunal as it cannot be a private residential tenancy. Please clarify your position".*

8 On 30 August 2026 the Applicant responded to the Tribunal advising that the dealings between the 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.

9 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 110 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.

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

Reasons for decision

11 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"*.

12 The basis of the decision is the Applicant's failure to establish that the application meets the mandatory requirements of rule 110, 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.

13 The Legal Member has therefore determined that, based on the Applicant's failure to establish that the application can proceed under rule 110, 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

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Legal Member/Chair	**Date**