



**DECISION AND STATEMENT OF REASONS OF FIONA WATSON, 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 Rules")**

in connection with

**10/2 The Steading, Duddingston Mills, Edinburgh, EH87TU ("the Property")**

**Case Reference: FTS/HPC/EV/25/4669**

**Scott Westworth, 44 Meadowpark Avenue, Bathgate, EH48 2SU ("the  
Applicant")**

1. The Applicant seeks a repossession order in terms of Rule 65 of the Rules. The Applicant lodged the following documents with the application:
  - (i) Tenancy agreement
  - (ii) Form AT5
  - (iii) Notice to Leave together with copy of email service
  - (iv) Notice to Local Authority under section 11 of the Homelessness etc. (Scotland) Act 2003

**DECISION**

2. The Legal Member considered the application in terms of 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.*

3. After consideration of the application and the documents submitted by the Applicant in support of same, 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 Rules.

### **Reasons for Decision**

4. An email was sent to the applicant on 25 November 2025 seeking further information from the Applicant as follows:
  - (i) "Your application is not clear. It proceeds under Rule 65, which applies to tenancies created under the Housing (Scotland) Act 1988. The tenancy agreement provided commences on 1st November 2016 and is therefore a tenancy created under that Act. However, you have served a Notice to Leave, which is the document relevant to tenancies created after 1st November 2017 under the Private Housing (Tenancies) (Scotland) Act 2016. To proceed under Rule 65 you will require to have served a Notice to Quit and an AT6 notice. Have you done so? If yes, please provide copies. If no, your action is not competent, and you may*

*wish to withdraw it and start again once you have served the correct Notices.*

- (ii) *If you have served those Notices you will require to provide a full copy of the tenancy agreement and a statement setting out the anti-social behaviours complained of as the Respondents are entitled to fair notice of the case against them.”*

6. This information was not provided, and no response was received to the email. A further email was thereafter sent to the Applicant on 15 January 2026 again seeking information as follows:

- (i) *“Please note that it will not be possible to proceed with an application under rule 65 on the basis of the notice to leave you served as the notice to leave relates to tenancies entered into after 1.12.2017 and the tenancy agreement you submitted predates that date. Unless you can provide all necessary documents and the evidence of grounds under the Housing (Scotland) Act 1988 you may wish to withdraw the application and provide a fresh application. If you wish to withdraw the application please confirm this in writing so the Tribunal is able to close the file. If you do not do that and you do not provide all necessary documents the application has to be formally rejected and the decision will be published in the public register.*
- (ii) *Currently what is missing for a valid application is:*
- 1. A full copy of the tenancy agreement.*
  - 2. A notice to quit ( you can consult section 18 (6) and (6A) of the Housing (Scotland) Act 1988 for the circumstances where this would not be required).*
  - 3. An AT6 document unless you can make representations why you consider that this should not be required in terms of S 19 (1) (b) of the Housing (Scotland) Act 1988.*
  - 4. Evidence for the grounds - and please note that having to sell a property is not a valid ground under schedule 5 of the Housing (Scotland) Act 1988”*

7. This email was not responded to.

8. A further email was sent to the Applicant on 23 February 2026 requesting the information be provided within two weeks, failing which, the tribunal will have no option but to reject the application. This email was not replied to.

9. The Applicant has failed to cooperate with the tribunal in their reasonable requests for information. The application appears to have no legal basis. The tenancy agreement appears to be a Short Assured Tenancy Agreement, in which case either

(i) a Notice to Quit and s33 Notice require to be served in terms of the Housing (Scotland) Act 1988 or (ii) a Notice to Quit and Form AT6 require to be served in terms of the said 1988 Act. Service of a Notice to Leave in conjunction with a Short Assured Tenancy Agreement is incompetent.

10. The Legal Member therefore determines that there is good reason to believe that it would not be appropriate to accept the application. The application is rejected on that basis.

### **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.

Fiona Watson  
Legal Member  
24 April 2026