



**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

32 Annandale View, Crosshouse, East Ayrshire, KA2 0ER ("the Property")

Case Reference: FTS/HPC/EV/25/5383

**John Collatin, 22 Garden Street, Tarbolton, South Ayrshire, KA5 5QY ("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) Notice to Leave
 - (ii) Letters to tenant regarding inspections and requesting access
 - (iii) Rent increased notice
 - (iv) Deposit certificate

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. On 5 January 2026, the applicant emailed the tribunal to advise that the tenant had posted a set of keys through the applicant's letterbox alongside a letter stating that they had vacated the property. The applicant stated that he had since secured the property and he sought advice on how to proceed. In response, the applicant was informed that the tribunal could not provide legal advice to parties.
5. An email was sent to the applicant on 14 January 2026 seeking further information from the Applicant as follows:
 - (i) *"Please confirm that you are now withdrawing the application, as an eviction order is not required if the Respondents have vacated the property. You may*

wish to take further advice on the matters raised in your query, and, particularly, as to whether any notice is required from a tenant who leaves after a notice to leave has been served. As stated, you can make an application for rent arrears by completing the relevant form on our website.”

6. No response was received to the email.
7. A further email was thereafter sent to the Applicant on 23 February 2026 again asking the applicant to confirm whether he wished to withdraw the application. This email was not responded to.
8. The Applicant has failed to cooperate with the tribunal in their reasonable requests for information. The application appears to be unnecessary and without legal basis, the applicant having stated that the Respondent has vacated the property. 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