



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

G/2, 291 Blackness Road, Dundee, DD2 1SA ("the Property")

Case Reference: FTS/HPC/EV/25/5473

Eric Merry, Richard Stiven, Peter Tweedie, Shiona Stiven c/o 110 Commercial Street, Dundee, DD2 1AJ ("the Applicant")

1. The Applicant seeks a repossession order in terms of Rule 66 of the Rules. The Applicant lodged the following documents with the application:
 - (i) Short Assured Tenancy Agreement and Form AT5
 - (ii) Notice to Quit and section 33 Notice
 - (iii) Execution of service of notices
 - (iv) S11 notice and email service
 - (v) Letter of intent to sell

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 26 January 2026 seeking further information from the Applicant as follows:
 - (i) *“Before the Tribunal can accept a case it must be satisfied that the Applicant has the right to make the application. Please submit a copy of the title to the property showing who owns it. The Title Sheet obtained from the Land Register of Scotland only deals with Joan Merry and Eric Merry each owing a one tenth*

- share. It does not dela with the remaining four fifths.*
- (ii) *You must, in terms of the rules, provide full address for each applicant, a care of address does not suffice.*
 - (iii) *The landlord in the tenancy agreement is Blackelm Properties. Please explain their connection to the owner of the property.”*

6. No response was received to the email.
7. A further email was sent to the Applicant on 7 March 2026 seeking a response to the email of 26 January and warning that if no reply was received, the application may be rejected. This email was again not responded to.
8. The Applicant has failed to cooperate with the tribunal in their reasonable requests for information. The applicant has failed to clarify their title to raise the application. The applicant has failed to provide their full address. 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

Fiona Watson
Legal Member
1 May 2026