



**DECISION AND STATEMENT OF REASONS OF JOSEPHINE BONNAR,
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 Procedure Rules")**

Case Reference: FTS/HPC/EV/25/5193

Flat H 28 Watchmeal Crescent, Faifley, West Dumbartonshire ("the Property")

Alaa Nassif, Flat 8 10 Riverview Gardens, Glasgow ("the Applicant")

1. The Applicant lodged an application for an eviction order in terms of Rule 109 of the Procedure Rules and Section 51 of the Private Housing Tenancies (Scotland) Act 2016 ("the 2016 Act"). A number of documents were lodged with the application including a Notice to leave dated 18 February 2025.
2. The Tribunal issued a request for further information and documents in terms of Rule 5(3) of the Procedure Rules. The Applicant was directed to explain the basis upon which the application could be accepted as it had not been submitted within 6 months of the expiry of the notice period specified in the Notice. In addition, the Applicant was asked to provide a copy of the tenancy agreement and evidence in support of the eviction ground. The Applicant was notified that if he failed to respond the application may be rejected. The Applicant failed to respond to the request or to a reminder subsequently issued by the Tribunal.

Decision

3. After consideration of the application the Legal Member considers that the application should be rejected in terms of Rule 8(1) (c) 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."

Reasons for decision

4. Rule 5 of the Procedure Rules states that an application "is held to have been made on the date that it is lodged if, on that date, it is lodged in the manner as

set out in...” the relevant Rule. In terms of Rules 5(2) and (3), the Chamber President or a Member with delegated powers must assess whether the “mandatory requirements for lodgement have been met” and “may request further documents”.

5. Rule 109 requires an Applicant to submit a Notice to leave which has been given to the tenant and evidence in support of the eviction ground. The Applicant failed to submit any evidence for the eviction ground. A Notice to leave was submitted but it is dated 18 February 2025 and stipulated in Part 4 that an application could not be made to the Tribunal until 16 May 2025. Section 55 of the 2016 Act states that a landlord cannot apply to the tribunal using a copy of a notice to leave more than 6 months after the day on which “the relevant period in relation to that notice expired”. The relevant period of notice in relation to ground 4 is 84 days. The notice period expired on 16 May 2025. However, the application to the Tribunal was not submitted until 2 December 2025. The application is therefore not accompanied by a valid notice to leave.
6. The Applicant also failed to provide a copy of the tenancy agreement and evidence in support of the eviction ground in response to two requests issued by the Tribunal in terms of Rule 5(3).
7. In the circumstances, the Legal Member is satisfied 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.

Josephine Bonnar

Josephine Bonnar, Legal Member

21 May 2026