



**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

43B High Street, Alloa, FK10 1JF ("the Property")

Case Reference: FTS/HPC/RE/26/0111

Brian Binnie, 63 Churchill Street, Alloa, FK10 2TH ("the Applicant")

1. The Applicant seeks assistance in exercising a Right of Entry in terms of Rule 55 of the Rules. The Applicant lodged the following documents with the application:

- (i) Copy Notices to Leave

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 12 January 2026 seeking further information from the Applicant as follows:
 - (i) *“A copy of the lease or tenancy agreement, or if these are not available, as much information about the tenancy that you can provide*
 - (ii) *A copy of the notification issued to the tenant stating the wish to exercise the landlord’s right of entry and evidence of delivery (e.g. email, recorded delivery receipt, written acknowledgement of receipt from the tenant/tenant representative)”*
5. The Applicant failed to respond with the information requested.

6. A further email was sent to the applicant on 28 February 2026 seeking information from the Applicant as follows:

- (i) *“A copy of the tenancy agreement, or if this is not available as much information about the tenancy as you can provide.*
- (ii) *A copy of the notification issued to the tenant stating your wish to exercise the landlord's right of entry and evidence of delivery (e.g. email, recorded delivery receipt, written acknowledgement of receipt from the tenant. You must provide the tenant with a date and time when you wish to access the property. If you have not sent notification to the tenant, we attach a template letter than can be used for this purpose.”*

6. No response was received from the Applicant to said request for information.

7. A further email was sent to the applicant on 8 May 2026 stating as follows:

“It is noted that you have failed to provide the further information requested by emails dated 12 January 2026 and 28 February 2026 . We now write to advise you that if you fail to provide this information within the next seven days the tribunal will have no option but to reject your application. You should be aware that the Tribunal has the power to reject applications on grounds set out in rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations.”

8. No response was received from the Applicant to said request for information.

9. The Applicant has failed to cooperate with the tribunal in their reasonable requests for information. Rule 55 of the Rules states that *“where a landlord makes an application under section 28A(1) of the 2006 Act, the application must be accompanied by a copy of the lease or the tenancy agreement or, if these are not available, as much information about the tenancy as the landlord can give; and...the notification referred to in paragraph (a)(viii) and any subsequent correspondence relating to that notification.”* The notification referred to in paragraph (a)(viii) is notification *“that the tenant has been notified in writing that the landlord wishes to exercise the landlord's right of entry.”* The Applicant has failed to provide both of these required items despite requests to do so, and therefore the application submitted does not comply with the requirements of Rule 55. 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.

F Watson

Fiona Watson
Legal Member
26 June 2026