



**DECISION AND STATEMENT OF REASONS OF PETRA HENNIG MCFATRIDGE 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 Procedural Rules")

in connection with

Case reference FTS/HPC/EV/26/2534

Parties

Mr David Inglis (Applicant)

Eve Property (Applicant's Representative)

Flat B, 13 Canal Street, Renfrew, PA4 8QE (House)

1. On 3.6.2026 the First Tier Tribunal for Scotland Housing and Property Chamber (FTT) received the application made under rule 109 of the Procedure Rules and S 51 of the Private Housing (Tenancies) (Scotland) Act 2016 and stated as the grounds applicable that the landlord wishes to sell the property (ground 1).
2. No S 11 notice was submitted with the application. The application was accompanied by a copy of the tenancy agreement, a Notice to Leave dated 4.3.26 with a date in part 4 given as 29.5.26, an email dated 24.4.26 email to the tenant referring to her

enquiry of 16.4.26 in relation to a viewing of the property and an undated email regarding rent payments. Some days after the application the agent provided an email to the local authority stating "This is to let you know – we have filled paperwork for eviction for tenant of B, 13 Canal Street, ... as property is sold, all appropriate notices were given to the tenant."

3. On 25.6.2026 the FTT requested further information within 14 days from the Applicant's agent in the following terms: 1. Please provide proof that the Applicant is on the landlord register. 2. Please provide a fresh application form containing the Applicant's address. Please note that a care of address is not sufficient in terms of the Tribunal's rules. 3. Please provide a mandate from the Applicant authorising you to act on his behalf. 4. Please provide proof of service of the Notice to Leave on the Applicant g. covering email or postal receipt and tracking information. If the notice to leave was personally given to the tenant please provide a signed statement from the person who delivered the notice confirming the circumstances in which this occurred, e.g. date, location, persons present. 5. Please provide a copy of the section 11 Notice and proof of service on the local authority.
4. On 3.7.26 the Applicant's agent provided an amended application showing the Applicant's details, explained further information regarding the landlord registration would be forthcoming and provided a further copy of the Notice to Leave and cover letter as well as a Management Service Agreement between the agent and the Applicant. The agent further provided an undated email to the tenant which stated "As discussed, please find attached a Notice to Leave" and a further undated email to the tenant regarding a rent reduction and the option of terminating the tenancy early.

DECISION

5. I considered the application in terms of Rule 8 of the 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."

- 6. After consideration of the application, the attachments and correspondence from the Applicant, I consider that the application should be rejected in terms of Rule 8 (c) of the Rules of Procedure on the basis as the Tribunal has good reason to believe that it would not be appropriate to accept the application.**

REASONS FOR DECISION

1. The lodging requirements for an application under rule 109 include under (b) the requirement to lodge (i) evidence that the ground or grounds has been met, (ii) a copy of the notice to leave given to the tenant as required by S 52 (3) of the 2016 Act; and (iii) a copy of the notice given to the local authority under S 11 of the Homelessness (Scotland) Act 2003 as required in s 56 of the 2016 Act.
2. The Applicant has provided a copy of the Notice to Leave but no evidence when this was served on the tenant. The FTT had requested this specifically but it was not provided. The Applicant has not provided a S 11 notice and proof of this having been given to the local authority. The email to the local authority alone is not a S 11 notice. S 56 (1) of the 2016 Act confirms that an eviction application may not be made without this. The FTT had requested this specifically but it was not provided.
3. It would not be appropriate for the Tribunal to accept an application which is incomplete and does not meet the lodging requirements.
4. The application is thus rejected.

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.

Petra Hennig-McFatridge

Petra Hennig McFatridge

Legal Member

30 July 2026