



**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

Fangorn Farm, Milben, Banffshire, AB55 6YX ("the Property")

Case Reference: FTS/HPC/EV/26/1067

Frances Davies, The Stables, Mulben ("the Applicant")

1. The Applicant seeks an order for repossession of the Property in terms of Rule 109 of the Rules. The Applicant lodged no accompanying documents with the application.

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 10 April 2026 seeking further information from the Applicant as follows:
 - (i) *“Please provide an amended application which contains a full address for the Applicant*
 - (ii) *Please provide evidence of landlord registration*
 - (iii) *Please provide a copy of the tenancy agreement*
 - (iv) *The copy notice to leave provided is undated. Please provide a dated copy*
 - (v) *You state that the notice to leave was served by email. Please provide a copy of the email serving the notice to leave*
 - (vi) *You state that the tenancy commenced in January 2023 which means it is a private residential tenancy in terms of the Private Housing (Tenancies)(Scotland) Act 2016. In the Form E you state that ground 17 is relied upon. Ground 17 in the 2016 is “HMO Licence has been revoked”. In the notice to leave you refer to ground 8 “Not an employee”. In the Form E paper*

apart you refer to a number of other grounds for eviction which do not accord with the grounds set out in the 2016 Act and appear to be grounds set out in the Housing (Scotland) Act 1988 which does not apply to this tenancy. Please lodge an amended application stating the correct ground on which you rely and which has been intimated to the Respondent in a notice to leave

- (vii) Please provide evidence in support of the ground for eviction such as the employment contract and evidence of the date on which it was terminated*
- (viii) Please provide a copy of the section 11 notice sent to the local authority and evidence of it having been sent such as the covering email.”*

5. This email was not responded to. A further email was sent to the Applicant on 18 May 2026 again seeking this information. This email was again not replied to. A further email was sent to the Applicant on 18 June 2026 again seeking this information and advising that if the Applicant failed to provide this information within seven days the tribunal would have no option but to reject the application. This email was again not replied to.
6. The application is therefore entirely lacking in supporting documentation and specification as to essential matters such as the contractual basis between the parties, the ground of repossession being relied upon and evidence to support same. The Applicant has failed to cooperate with the tribunal in their reasonable requests for such information.
7. 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 July 2026