



**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

9 Tannage Brae, Duns, TD11 3EA ("the Property")

Case Reference: FTS/HPC/EV/26/2181

**Robert Lees, 31-32 Market Square, Duns, Berwickshire, TD11 3AL ("the
Applicant")**

1. The Applicant seeks an order for repossession of the Property in terms of Rule 65 of the Rules. The Applicant lodged the following document with the application:
 - (i) Notice 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 2 June 2026 seeking further information from the Applicant as follows:
 - (i) "A copy of the tenancy agreement(s).*
 - (ii) A Form AT6 and a notice to quit along with proof that the notices have been delivered to the tenant, e.g. postal receipt and tracking information, sheriff officers certificate. You have applied under rule 65 which applies to assured tenancies. However, you have produced a notice to leave which applies to private residential tenancies which commenced after 1 December 2017.*
 - (iii) An amended Form E with the grounds for eviction included at section 5. The eviction grounds for assured tenancies are contained within schedule 5 of the Housing (Scotland) Act 1988.*
 - (iv) A section 11 notice and proof that this has been given to the local authority. A*

section 11 notice is a specific legal notice that landlords must send to the local authority when applying for an eviction order.

(v) *Evidence that the eviction grounds are met.”*

5. The Applicant responded to the email on 16 June seeking an additional day to provide the information requested. A new deadline was given of 18 June 2026. No information was provided by that date. A further email was sent to the Applicant on 13 July 2026 again seeking this information and advising that if the Applicant failed to provide this information the tribunal would have no option but to reject the application. This email was again not replied to.
6. The Applicant has failed to cooperate with the tribunal in their reasonable requests for information. A copy of the tenancy agreement, to evidence the contractual basis upon which the application has been raised, has not been lodged. It is not clear whether the Applicant has raised the application under the wrong rule number or served incorrect notices. The legal basis of the application cannot be determined based on the documentation currently produced. 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
14 August 2026