



**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

Flat 1, 26 Gateside Street, Hamilton, ML3 7JG ("the Property")

Case Reference: FTS/HPC/EV/26/1520

**AMA Property Investments Limited, 106 Mearns Road, Clarkston, G76
7UP ("the Applicant")**

1. The Applicant seeks an order for repossession of the Property in terms of Rule 109 of the Rules. The Applicant lodged the following documents with the application:
 - (i) Tenancy agreement
 - (ii) Notice to Leave
 - (iii) Post office receipt
 - (iv) S11 notice and email to local authority
 - (v) Rent letters to tenant

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) *“You have not provided evidence of a valid service of the Notice to Leave on the tenant. Please provide the track and trace information for the delivery of the notice on the Respondent.*
 - (ii) *It would appear that the Notice to Leave is not valid. Please make*

representations how a Notice to Leave issued on 20 February 2026 in this case complies with the requirement set out in the case Majid v Gaffney [2019] UT 59 where Sheriff Fleming set out in paragraph [9] “Therefore, if the tenant was first in arrears of rent as at 30 April 2019 then the expiry of the three month period would be 30 July 2019. As at 1 July 2019 the tenant was not in rent arrears for three or more consecutive months. The tenant must have been in arrears for the specified period of time, not simply owing rent....” You may wish to consult a solicitor or advice agency if you require further guidance regarding your application. The Tribunal cannot provide you with legal advice but there are details of advice agencies under the Useful Links section of the Tribunal website. From the information available the position seems to be that the rent is due in advance on the 15th day of each months. The arrears first arose on 15.12.2025 and thus the earliest the tenant could be in actual arrears of rent (and not just owing advance rent) could be 15 March 2026. At the time the Notice to Leave was issued the ground appears not to have been met and thus the application would have to be rejected. Please consider withdrawing the application and re-raising it once you have issued a valid notice.”

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 Notice to Leave, upon which the application is founded, appears to be incompetent having been served prematurely with no ground to rely on. The Applicant has been given opportunities to explain their position but have failed to do so. 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