



Decision and statement of Reasons of the First Tier Tribunal (Housing and Property Chamber)

Under Rule 8 of the First Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ‘the Rules’.

In respect of application by Mr Stuart Gunn in terms of rule 109 of the Rules.

Case reference FTS/HPC/EV/26/1336

At Glasgow on the 3 August 2026, Lesley Anne Ward, legal member of the First –Tier Tribunal ‘the Tribunal’ with delegated powers of the Chamber President, rejected the above application in terms of Rule 8(1)(c) of the Rules

1. This is an application by Mr Stuart Gunn for eviction, in terms of rule 109 of the Rules. It was received by the Tribunal on 25 March 2026.
2. The in-house convenor reviewed the application and the Tribunal wrote to the applicant on 30 April 2026 seeking further information as follows:

A Legal Member of the Tribunal with delegated powers of the President has considered your application. Please provide the following-

- (1) A copy of the tenancy agreement.
- (2) A copy of the Notice to leave with evidence that it was sent or given to the Respondent
- (3) A copy of the section 11 notice with evidence that it was sent to the Local Authority.
- (4) Evidence in support of the eviction ground such as a signed statement or affidavit. You may wish to take legal advice before you respond Please reply to this office with the necessary information by 14 May 2026. If we do not hear from you within this time, the President may decide to reject the application.

3. The applicant made a partial response on 18 May 2026. He provided a copy of the tenancy agreement and the notice to leave. The in-house convenor reviewed the application and a further request for information was sent on 17 June 2026 as follows:

You have not fully responded to the queries contained in our email to you dated 30 April 2026.

Please provide evidence of the method of service of the notice to leave upon the tenant and evidence of its receipt. Please confirm that service was also made in accordance with the manner agreed in the tenancy agreement.

The copy notice to leave which you have submitted seems to be dated 6 January 2026 and indicates you will not apply to this tribunal prior to 7 March 2026. The relevant provisions of the Private Housing (Tenancies) (Scotland) Act 2016 (section 54) indicate that a period of notice of 84 days requires to be given to the tenant if a landlord is seeking eviction on the ground that the landlord intends to live in the let property. The period between the date of your notice and the date it became effective is only 50 days. Please explain the legal basis upon which you believe the notice is valid given that it appears not to provide the appropriate and required period of notice. Please explain the legal basis upon which this application can proceed if you have not served a notice to leave which is valid and meets the terms of the 2016 Act.

You have not provided a copy of the notice which is required to be given to the local authority under section 11(3) of the Homelessness etc. (Scotland) Act 2003. Please provide a copy and evidence of the method and date on which that was given to the local authority.

Further queries may arise upon receipt of your reply.

The tribunal would strongly suggest that you may find it useful to seek independent legal advice on this application, the matters contained in this letter and any further action which you wish to take. Upon receipt of the above information, a final decision can then be taken on whether the application is valid and whether it should be accepted and referred to the tribunal for full determination. If you fail to respond to this letter then the tribunal may 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 2017 Please reply to this office with the necessary information by 1 July 2026.

4. No reply has been received.
5. I have reviewed this application today and I have decided to reject it. In terms of Rule 8(c) of the rules I have good reason to consider that it would not be appropriate to accept this application as the application is incomplete. The applicant has failed to respond to two reasonable requests by the Tribunal for further information and has therefore failed to cooperate with the Tribunal in the execution of its duties. It is open to the applicant to resubmit the application with the correct supporting information, bearing in mind this must be done within 6 months of the expiry of any notice to leave being relied upon.

NOTE: What you should do now.

If you accept this decision there is no need to reply.

If you disagree with this decision you should note the following:

An Applicant aggrieved by this 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 seek permission to appeal within 30 days of the date the decision was sent them. Information about the appeal procedure can be forwarded on request.



Lesley Anne Ward

Legal Member