

**DECISION AND STATEMENT OF REASONS OF ALISON KELLY, 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

34 Kirkwood Place, Coatbridge, ML5 5AJ ("the Property")

Case Reference: FTS/HPC/EV/26/4165

Maureen Johnson and Robert Johnson ("the Applicant")

1. The application was made under Rule 66 of the Procedural Rules on 24th August 2026.
2. The Applicants did not submit a copy of the tenancy agreement, but one piece of documentation provided by them said that the tenancy started on 22nd May 2006 and another that it started on 11th December 2010. It would appear therefore that the tenancy is an assured tenancy and falls to be dealt with in accordance with the Housing (Scotland) Act 1988.
3. The Applicants submitted a Notice to Leave. This is the type of Notice required for tenancies under the Private Housing (Tenancies)(Scotland) Act 2016. The Applicants have proceeded on Ground 1, that they wish to sell the property. There is no such ground in terms of the Housing (Scotland) Act 1988.

DECISION

4. The circumstances in which an application is to be rejected are governed by 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."

5. After consideration of the application, the further information referred to and correspondence from the Applicant, 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 Procedural Rules.

REASONS FOR DECISION

6. The Applicants have not served the correct notices on the Respondents and accordingly the application is not competent and cannot proceed. It is therefore 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.

A Kelly

Alison Kelly
Legal Member

21st September 2026