Housing and Property Chamber
First-tier Tribunal for Scotland

DECISION AND STATEMENT OF REASONS OF MELANIE BARBOUR, 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 Procedural Rules")

in connection with

Case reference FTS/HPC/CV/26/2927

Parties

CERJK Ltd (Applicant)

Ms Gemma Stokes (Respondent)

12E Asbury Court, Paisley, PA3 3EQ (House)

1. On 8 June 2026, an application was received from the applicant. The application was made under Rule 111 of the Procedural Rules. The applicant appeared to seek an order for eviction.

2. By letters from the Tribunal dated 28 July and 2 September 2026 emailed and posted to the Applicant, the Tribunal requested further information. The applicant has not responded to the Tribunal's information requests at all.

3. As of 23 October 2026, the following matters remain outstanding,

    a. *The application has been made on the wrong form and under the wrong rule. Please withdraw the application.*
    b. *Please make a further application using Form E and citing Rule 109.*
    c. *Please ensure you include all the documentation required. Your current application, even if it had been made on the correct form and under the correct rule, is incomplete. You require to include evidence of service of the notice to leave, a section 11 notice served on the local authority with evidence of service, and evidence to support the ground of eviction such as an agreement with a*

selling agent, a recently prepared home report or other proper evidence of intention to sell.'

DECISION

4. I considered the application in terms of Rule 8 of the 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 attachments and correspondence from the applicant, I consider that the application should be rejected on the basis that I have good reason to believe 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 Tribunal had requested further information to support this application from the applicant. The applicant has not provided the information requested.

7. The applicant's failure to provide the requested information means that there is insufficient information before the tribunal to progress with the application. Accordingly, for this reason the application must be rejected upon the basis that I have good reason to believe that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Procedural Rules.

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.

Melanie Barbour

Melanie Barbour
Legal Member
23 October 2026