

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**DECISION AND STATEMENT OF REASONS OF PETRA HENNIG MCFATRIDGE 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/EV/25/0331

**Parties**

**Mr Daljit Sandher (Applicant)**

**N&L Properties Scotland LTD (Applicant's Representative)**

**2-2 4 Balcurvie Road Glasgow G34 9QL (House)**

1. On 27.1.2025 the First Tier Tribunal for Scotland Housing and Property Chamber (FTT) received the application under rule 66 of the Procedure Rules from the Applicant. The application was at that stage not accompanied by any documentation.
2. On 3.3.2025 the Tribunal wrote to the Applicant's agent in the following terms: A legal member of the Tribunal with delegated powers of the Chamber President has considered the application and has advised that the following information is required:
  1. A copy of the tenancy agreement and form AT5.
  2. Copy of the notice to quit and section 33 notice, together with evidence of service on the respondent.
  3. Copy of the section 11 notice, together with evidence of service on the local authority.
  4. A mandate from the applicant authorising you to act for him in these proceedings.Please respond within 14 days. Upon receipt of the above information, a 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 provide the necessary information the tribunal may reject your application.

3. On 11.3.2025 the agent provided the Notice to Quit dated 27.6.2024, the S33 notice dated 27.6.2024 and a S11 notice. None of these were accompanied by evidence of how and when they were sent or received. The agent also included a text message authorizing them to act and an email exchange with Govan Law Centre from the agent, asking to discuss the case and how they could help the Respondent. The agent did not provide a tenancy agreement or an AT5 document.
4. The documents contained in the case file are referred to for their terms and held to be incorporated herein.

## DECISION

5. 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."*

6. After consideration of the application, the attachments and correspondence from the Applicant, I consider that the application should be rejected in terms of Rule 8 (c) of the Rules of Procedure on the basis as the Tribunal has good reason to believe that it would not be appropriate to accept the application.

## REASONS FOR DECISION

### Application for order for possession upon termination of a short assured tenancy

66. Where a landlord makes an application under section 33 (recovery of possession on termination of a short assured tenancy) of the 1988 Act, the application must—

(a) state—

- (i) the name, address and registration number (if any) of the landlord;
- (ii) the name, address and profession of any representative of the landlord; and
- (iii) the name and address of the tenant;

(b) be accompanied by a copy of—

- (i) the tenancy agreement (if available) or, if this is not available, as much information about the tenancy as the landlord can give;
- (ii) the notice by landlord that the tenancy is a short assured tenancy; and
- (iii) the notice given to the tenant under section 33(1)(d) of the 1988 Act;
- (iv) the notice to quit served by the landlord on the tenant;
- (v) a copy of the notice by the landlord given to the local authority under section 11 of the Homelessness (Scotland) Act 2003 (if applicable), and
- (vi) a copy of Form BB (notice to the occupier) under schedule 6 of the Conveyancing and Feudal Reform (Scotland) Act 1970 (if applicable), and

and

(c) be signed and dated by the landlord or a representative of the landlord.

1. The decision is made on the basis that the application was made under rule 66. Rule 66 (b) (i) requires the Applicant to lodge a copy of the tenancy agreement, or if this is not available, as much information as they can provide. This was not done. The tenancy agreement was requested. It was not lodged with the application. Without further information regarding the tenancy agreement it is not possible to ascertain whether the application was accompanied by a valid Notice to Quit. The Applicant was advised of the consequence of not lodging a tenancy agreement.
2. Rule 66 (b) (ii) requires that the AT5 document is lodged. This was requested and not provided.
3. The Applicant had been afforded the opportunity to provide the missing information and documentation. It would not be appropriate for the Tribunal to accept the application without the required tenancy agreement, the AT5 document and without at the very minimum sufficient information to establish whether or not the Notice to Quit was issued to a valid ish date. The lodging requirements for the application have not been met. The application in terms of rule 66 is thus rejected.
4. This does not prevent the Applicant from lodging a fresh application once the relevant details can be provided.

### **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.

**Petra Hennig McFatridge**

Petra Hennig McFatridge  
Legal Member  
14 April 2025