



**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

20 Barnton Place, Fife, KY6 2PS ("the Property")

Case Reference: FTS/HPC/EV/24/2696

Kerry Courts, 52 Omar Crescent, Buckhaven, Fife, KY8 1DS ("the Applicant")

1. The Applicant seeks a repossession order in terms of Rule 109 of the Rules.
The Applicant lodged the following documents with the application:
 - (i) Copy tenancy agreement
 - (ii) Copy s11 notice to local authority
 - (iii) Correspondence between applicant and FT & DC Wallace, Solicitors
2. Following a request for further information due to the application being incomplete, the Applicant lodged the following document:
 - (i) Copy Notice to Leave

DECISION

3. 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.

- 4. 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 there is good reason to believe that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Rules.**

Reasons for Decision

5. Letters were sent to the Applicant on 10 July 2024, 5 September 2024, 29 October 2024 and 11 December 2024 seeking clarification from the Applicant as regards issues of competence regarding the method of service of the notice

to leave, the period of notice given under the notice to leave, and the grounds of repossession being relied upon. Whilst a response was received from the applicant of 19 November 2024, satisfactory clarification as regards the issues of competency was not provided.

6. Further letters were issued dated 7 February 2025 and 24 March 2025 setting out that should this information not be provided, that the tribunal will have no option but to reject the application. No responses were received to either of these letters.
7. The Legal Member therefore determines 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

Fiona Watson
Legal Member
30 May 2025