



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rules 8(1)(c) and 26 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Chamber Ref: FTS/HPC/EV/25/1060

Re: Property at 1 Balckhill Court, Glasgow, G23 5NL (“the Property”)

Parties:

Mr Yassir Shaheen, 21 Braehead, Dalry, North Ayrshire, KA24 5EY (“the Applicant”)

Tribunal Members: Ruth O’Hare, Legal Member with delegated powers from the Chamber President

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) rejects the application received by it on 10 March 2025 under Rule 8(1)(c) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”).

Background

- 1 This is an application for an eviction order under Rule 65 of the Rules and section 18 of the Housing (Scotland) Act 1988 (“the 1988 Act”).
- 2 The application was considered by a Legal Member of the Tribunal with delegated powers from the Chamber President to determine whether all mandatory requirements for lodgement had been met. On 9 April 2025 the Tribunal emailed the Applicant in terms of Rule 5(3) of the Rules requesting further information in the following terms:-

“A Legal Member of the Tribunal has reviewed your application. Before a decision can be made on whether your application can proceed, we require you to provide us with the following information:-

- 1. You have raised the application under Rule 65 which relates to repossession of assured tenancies in terms of section 19 of the Housing*

(Scotland) Act 1988, and you have provided a copy tenancy agreement which purports to be a Short Assured Tenancy. However you have served a Notice to Leave, which is not competent when dealing with assured tenancies. A Notice to Leave is only competent where being served in relation to repossession of a Private Residential Tenancy Agreement. Your tenancy agreement does not appear to be a Private Residential Tenancy and pre-dates the introduction of Private Residential Tenancies. To raise proceedings under Rule 65 to repossess an assured tenancy, you require to have served a Notice to Quit and Form AT6, relying on one or more of the grounds of possession under Schedule 5 to the Housing (Scotland) Act 1988. If you have served said notices, please provide copies of these notices together with proof of service. If you have not served said notices, then you will require to withdraw this application as it is incompetent and proceed to serve the correct notices and thereafter raise a fresh application once any new notices come into effect. Please note that if you do not withdraw the application, it is likely that it will be rejected due to lack of competency and a rejection decision will be published. You should take your own advice.

Please provide the information no later than 23 April 2025. Upon receipt of the information a Legal Member will consider your response and may seek further information from you before a decision is made on whether your application can proceed. In the absence of a response your application may be rejected without further notice.

You may wish to consult a solicitor or advice agency if you require further guidance regarding your application. The Tribunal cannot provide you with legal advice but there are details of advice agencies under the Useful Links section of the Tribunal website.”

- 3 The Tribunal has received no response from the Applicant as at the date of this decision.

Reasons for decision

- 4 The Legal Member considered the application in terms of the Rules and determined that the application should be rejected in terms of Rule 8(1) (c) which states that an application must be rejected if the Tribunal has “*good reason to believe that it would not be appropriate to accept the application.*”
- 5 The basis of the decision is that the Applicant has failed to provide the information requested by the Tribunal under Rule 5(3) of the Rules, which is necessary to determine whether all mandatory requirements for lodgement have been met. In particular, the Applicant has failed to provide the correct notices to the tenant that are required for an application under Rule 65. The Tribunal has requested this information from the Applicant. The Tribunal has warned him that a failure to provide the information will result in the application being rejected. The Applicant has therefore been given the opportunity to address the defects with the application. In view of the Applicant’s lack of

response, the Legal Member considers she can reasonably assume that he is simply not in a position to provide the required documents.

- 6 The Legal Member has therefore concluded that it would not be appropriate to accept the application for the above reasons. The application is therefore rejected under Rule 8(1)(c).

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: A party 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.

Ruth O'Hare, Legal Member

7 June 2025