



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 8(1)(c) of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”)**

**Chamber Ref: FTS/HPC/EV/25/0247**

**Re: Property at 64 Ryan Road, Glenrothes, KY6 2EW (“the Property”)**

**Parties:**

**Mr David Easton, 4 Beechgrove Rise, Cupar, KY15 5DT (“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 21 January 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.
- 2 A Legal Member of the Tribunal with delegated powers from the Chamber President reviewed the application in terms of Rule 5(2) of the Rules to determine whether it met the mandatory requirements for lodgement. On 20 February 2025 the Tribunal wrote to the Applicant by email requesting further documents in terms of Rule 5(3). In particular, the Tribunal requested a copy of the tenancy agreement, the AT5 and AT6 notices, a section 11 notice, and evidence to support the ground for possession.
- 3 On 20 February 2025 the Applicant emailed the Tribunal with the requested documents.

- 4 On 25 March 2025, the Tribunal wrote again to the Applicant in the following terms:-

*“Your application has been reviewed by a legal member of the First-tier Tribunal with delegated powers of the Chamber President who has raised the following matters.*

*Your application seeks an eviction order on the basis that the tenancy is a short assured tenancy. The initial tenancy bears to run from 22 March 2013 to 23 September 2013 and monthly thereafter.*

*In the notice to quit which has been provided, it is indicated that the tenant requires to quit the premises by 16 January 2025. The notice is dated 2 January 2025. Does the notice to quit specify a removal date which is an “ish” or end date of the tenancy? Does the notice give a sufficient period of notice taking into account the provisions of section 112 of the Rent (Scotland) Act 1984. If not on what basis is the purported notice effective and valid in law?*

*You seem to indicate that you wish to seek eviction based on grounds 8 and 12 (as contained in schedule 5 of the Housing (Scotland) Act 1988 ) which relate to rent arrears. Please note that Ground 8 was repealed on 1 October 2022 by the Coronavirus (Recovery and Reform) (Scotland) Act 2022) and thus can no longer be used. Please provide evidence of compliance with The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020. What steps have been taken in conjunction with the tenant to manage arrears prior to commencing proceedings for repossession on the grounds of rent arrears.*

*Please provide evidence of the manner of service of the notice to quit and the AT6 notice together with proof of delivery to the tenant. Please bear in mind the provisions of Section 54 of the Housing (Scotland) Act 1988.*

*You have provided a copy of the notice which is required to be given to the local authority under section 11(3) of the Homelessness etc. (Scotland) Act 2003. Please provide evidence of the method and date on which that was given to the local authority.*

*Further queries may arise upon receipt of your reply.*

*The tribunal would respectfully suggest that you may find it useful to seek independent legal advice on this application, the matters contained in this letter and any further action which you wish to take.*

*Upon receipt of the above information, a final 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.*

*Please respond to this letter within the next two weeks.*

*If you fail to respond to this letter then the tribunal may reject your application. You should be aware that the Tribunal has the power to reject applications on*

*grounds set out in rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.*

*Please reply to this office with the necessary information by 8 April 2025. If we do not hear from you within this time, the President may decide to reject the application.”*

- 5 On 28 March 2025 the Applicant emailed the Tribunal expressing his frustration with the situation. The Applicant stated that *“there seems to be no point in doing any more to continue with this application”*. On 31<sup>st</sup> March 2025 the Tribunal wrote to the Applicant by email asking him to confirm if he wished to withdraw the application.
- 6 The Tribunal has received no further response from the Applicant as at the date of this decision.

### **Reasons for decision**

- 7 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.”*
- 8 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 satisfy the Tribunal that the application is competent and can be entertained under section 18 of the 1988 Act. The Tribunal has requested this information from the Applicant. The Tribunal has therefore provided the Applicant with the opportunity to address the defects with his application. His last response to the Tribunal indicates that he does not intend on doing so and the Legal Member considers she can reasonably assume that he does not intend on proceeding with the application.
- 9 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).

### **Right of Appeal**

**In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal 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.**

# R.O'Hare

7 June 2025

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Legal Member/Chair

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Date