



**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/25/0350

Parties

CC8 Property Limited (Applicant)

Urban Property (Applicant's Representative)

123 Strathmore Drive, Stirling, Stirlingshire, FK9 5DT (House)

1. On 29.1.25 the First Tier Tribunal for Scotland Housing and Property Chamber (FTT) received the application, which indicated as the relevant rule 109. Rule 109 relates to tenancies under the Private Housing (Tenancies) (Scotland) Act 2016 (the 2016 Act). The applicant produced a tenancy agreement, a letter confirming sales instructions , a "conversation" record regarding the property, the content and purpose of which was not explained and a S 11 notice which did not show the landlord registration number or provide information as to the legislation under which the notice was required. He did not provide a Notice to Leave, evidence of service of a Notice to

Leave and evidence that the S 11 notice was given to the Council. The Ground for the application stated on the application was ground 1 of schedule 3 of the 2016 Act.

2. The application stated that it was lodged accompanied by a Notice to Quit. Neither a Notice to Quit nor a Notice to Leave document were attached to the application or submitted later. The FTT wrote to the Applicant's representative on 25.1.25 requesting the missing documents and pointing out that the S 11 notice was incomplete. A request for extension of time was received on 26.3.25 and the applicant given the opportunity to provide the missing information by 21.4.25. On 29.4.25, later than the deadline, the representative again provided another copy of the tenancy agreement, the same S 11 notice, another application copy and a sales contract letter for the property as well as a "conversation" document which appears to be dated 29.4.25 including the property tenancy agreement details but no Notice to Leave document. Finally on 27.5.25 the FTT wrote a last time requesting the following by 10.6.25: a) A copy of the notice to leave b) Evidence of service of the notice to leave on the tenant c) A properly completed section 11 notice d) Evidence of service of the properly completed section 11 notice on the local authority.
3. Since then no reply has been received and no copy of the Notice to Leave has been lodged.
4. The file documents 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

1. The lodging requirements for an application under rule 109 (b) include the requirement to lodge (i) evidence that the ground or grounds has been met, (ii) a copy of the notice to leave given to the tenant as required under section 52(3) of the 2016 Act, (iii) a copy of the notice given to the local authority under S 11 of the Homelessness (Scotland) Act 2003 as required in s 56 of the 2016 Act
2. S 52 of the Act states that an application for eviction must be accompanied by a copy of a notice to leave which has been given to the tenant.
3. Despite repeated requests to produce the Notice to Leave document it has still not been produced. The application does not meet the lodging requirement of rule 109 (b) (ii) of the Rules of Procedure. The Applicant had been asked repeatedly to provide this document and has not done so.
4. It would not be appropriate for the Tribunal to accept an application which is incomplete and does not meet the lodging requirements in terms of rule 109 of the Procedure Rules and the requirements for a valid application stated in the 2016 Act as set out above.
5. The application is thus rejected.

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.

P.H-McFatridge

Legal Member

15 July 2025