



**Decision and statement of Reasons of the First Tier Tribunal (Housing and Property Chamber)**

**Under Rule 8 of the First Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ‘the Rules’.**

In respect of an application by Mr Bobby Samia Ahmed in terms of rule 109 of the Rules.

**Case reference FTS/HPC/EV/25/1604**

At Glasgow on the 26 June 2025, Lesley Anne Ward, legal member of the First –Tier Tribunal ‘the Tribunal’ with delegated powers of the Chamber President, rejected the above application in terms of Rule 8(1) a) and (c) of the Rules

1. This is an application by Mr Bobby Samia Ahmed, the owner of the property at 12/1 Colonsay View Edinburgh EH5 1FH, (‘the property’) for eviction in terms of rule 109 of the Rules. The Application was made on his behalf by Mrs Zarina Singh of APM Lettings on 15 April 2025.
2. The in-house convenor reviewed the application and the Tribunal wrote to the Applicant’s representative on 6 May 2025 seeking further information as follows:

Your application has been assessed by a Legal Member of the Tribunal with the delegated authority of the Chamber President. The Legal Member has stated the following:

- (1) The notice to leave appears to be invalid as an insufficient period of notice has been given. The correct period of notice is 84 days plus 48 hours for service by email, with the date to be inserted at section 4 being the date after the 84 days plus 48 hours. Please consider withdrawing the application as it is unlikely the application can be accepted in these circumstances. You should be aware of the following for future applications:
- (2) An application for an eviction order must be accompanied by a section 11 notice served upon the local authority with evidence of service.
- (3) You should provide a copy of a recently prepared home report or a contract with a selling agent as evidence of intention to sell.
- (4) We would require a mandate from the Applicant authorising you to make the application on their behalf.
- (5) The postal towns should be included in addresses on the application form.
- (6) The Respondent’s name appears to have been written the wrong way round in the notice to leave. Please reply to this office with the necessary information by 20 May 2025. If we do not hear from you within this time, the President may decide to reject the application.

3. No reply has been received.

4. Rule 8(1)(a) of the Rules allows an application to be rejected by the Chamber President if ***“they consider that an application is vexatious or frivolous”***.
5. “Frivolous” in the context of legal proceedings is defined by Lord Justice Bingham in R-v- North West Suffolk (Mildenhall) Magistrates Court (1998) Env.L.R.9. At page 16 he states:- “What the expression means in this context is, in my view, that the court considers the application to be futile, misconceived, hopeless or academic”.
6. I consider that this application is frivolous or vexatious and has no reasonable prospect of success. There is no valid notice to leave as the notice to leave provided did not give the correct notice period as required by section 62 of the Private Housing (Tenancies)(Scotland) Act 2016.
7. Further, in terms of Rule 8(c) of the rules I have good reason to consider that it would not be appropriate to accept this application as the Applicant’s representative has failed to respond to the Tribunal’s email of 6 May 2025 and have failed to cooperate with the Tribunal in the execution of its duties

**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:

An Applicant 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.

Lesley Anne Ward

Lesley Anne Ward  
Legal Member