



**DECISION AND STATEMENT OF REASONS OF JOSEPHINE BONNAR,  
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 Procedure Rules")**

**Case Reference: FTS/HPC/PR/25/0157**

**97 West Bow, Edinburgh ("the Property")**

**Sean Marwick, 3/1 Bernard Terrace, Edinburgh ("the Applicant")**

1. The Applicant lodged an application for a wrongful termination order in terms of Rule 110 of the Procedure Rules and Section 58 of the Private Housing Tenancies (Scotland) Act 2016 ("the 2016 Act").
2. The Tribunal issued a request for further information. The Applicant was directed to provide a copy of his tenancy agreement and a copy of the Notice to leave which the Landlord had issued. The Applicant responded with a copy of the tenancy agreement and an email from the Landlord which states that she intended to sell the property. The Applicant did not submit a copy of a Notice to leave. Two further requests for the Notice to leave have been issued by the Tribunal, with no response from the Applicant.

**Decision**

3. After consideration of the application the Legal Member considers 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."

**Reasons for decision**

4. Rule 5 of the Procedure Rules states that an application "is held to have been made on the date that it is lodged if, on that date, it is lodged in the manner as set out in..." the relevant Rule. In terms of Rules 5(2) and (3) the Chamber

President or a Member with delegated powers must assess whether the “mandatory requirements for lodgement have been met” and “may request further documents”.

5. The application was lodged in terms of Rule 110 and Section 58 of the 2016 Act. Section 58 applies where a private residential tenancy has been brought to an end in accordance with section 50. Section 50 states (1) A tenancy which is a private residential tenancy comes to an end if – (a) the tenant has received a notice to leave from the landlord, and (b) the tenant ceased to occupy the let property.” The Applicant has failed to provide a copy of the Notice to leave issued in terms of Section 50. He has only provided an email from the Landlord which states that the property is to be sold. In the absence of a Notice to leave, the Applicant cannot demonstrate that the tenancy has been terminated in accordance with Section 50 of the 2016 Act. As a result, he does not have grounds to seek a wrongful termination order in terms of Section 58 of the 2016 Act. The Legal Member also notes that the Applicant has failed to respond to requests for further documents issued by the Tribunal., in terms of Rule 5(3) of the Procedure Rules.
6. In the circumstances, the Legal Member is satisfied that there is good reason to believe 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.

# J Bonnar

Josephine Bonnar, Legal Member  
20 July 2025