

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**DECISION AND STATEMENT OF REASONS OF MELANIE BARBOUR, 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/25/0870

**Parties**

**Bing Homes (Applicant)**

**28 Crofthill Road, Glasgow, G44 5QJ (House)**

1. On 28 February 2025, an application was received from the applicant. The application was made under Rule 65 of the Procedural Rules. The applicant sought an order for eviction.
2. By letters from the Tribunal dated 29 March 2025, 8 May 2025, and 1 July 2025 the Tribunal requested further information. The applicant failed to respond to the Tribunal's information requests in relation for the following information and as at 4 August 2025 the following information was still outstanding:-

*"1 You have not provided sufficient evidence of service of the Form AT6 upon the Respondent. There is an email but it is not the original email to the Respondent, and it does not show the email address to which it was sent. In any event, the tenancy agreement only provides for service of such notices by recorded delivery, and the legislation does not provide for service by email. Please consider whether, in the circumstances, service was*

*validly made, and consider whether you wish to withdraw the application and serve further notice(s). You may wish to take advice before serving further notice(s)."*

## **DECISION**

3. 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."

4. After consideration of the application, the attachments and correspondence from the applicant, I consider that the application should be rejected on the basis that I have good reason to believe that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Procedural Rules.

## **REASONS FOR DECISION**

5. The Tribunal had requested further information to support this application from the applicant. The applicant has not provided the information requested.
6. The applicant's failure to provide the requested information to support the application gives me good reason to believe that it would not be appropriate to accept the application, in circumstances where the applicant is apparently unable to do so in order to progress this application under rule 65. Put simply, the applicant has not provided the information required to support an application for eviction against the respondent.
7. Accordingly, for this reason the application must be rejected upon the basis that I have good reason to believe that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Procedural Rules.

### **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.

# M Barbour

Melanie Barbour

Legal Member

4 August 2025