



**Decision with Statement of Reasons of Alan Strain, Legal Member of the First-tier Tribunal with delegated powers of the Chamber President of the First-tier Tribunal for Scotland (Housing and Property Chamber)**

**Under Rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules")**

**Chamber Ref: FTS/HPC/EV/25/1352**

**Parties**

**Mr Charles Leonard (Applicant)**

**135 Chapelhill Mount, Ardrossan, KA22 7ND (House)**

**Tribunal Member:**

**Alan Strain (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the application should be dismissed on the basis that it would not be appropriate to accept the application in terms of Rule 8(1)(c).**

**Background**

1. The application was received by the Tribunal under Rule 109 on 31 March 2025.
2. The application was considered by the Tribunal and further information was requested by emails of 16 May 2025 and 7 July 2025. The Applicant was asked to:

*"provide us with the following information:- 1. We refer to your email of 22 April, following our request for further information. We had requested sight of the Notice to Leave served on the tenant. You have provided a Notice to Quit for Assured Tenancies and a s33 Notice. Neither of these documents constitutes a Notice to Leave, which is an entirely different statutory document required for Private Residential Tenancy Agreements. Whilst your tenancy agreement is headed up "Assured Tenancy" it cannot be an assured tenancy, as it commenced on 5 June 2020 at which point only new Private Residential Tenancies could be created. Please provide a copy of the Notice to Leave served on the tenant, together with evidence of service. If you have not served a Notice to Leave, you may wish to consider withdrawing your application, serving the correct Notice to Leave, and resubmitting an application thereafter once you are able to do so. To be clear, if you have not served a Notice to Leave, your*

*application cannot proceed as it is not competent. Please provide the information no later than 30 May 2025. Upon receipt of the information a Legal Member will consider your response and may seek further information from you before a decision is made on whether your application can proceed. In the absence of a response your application may be rejected without further notice."*

3. The information was not received despite the reminder email of 7 July 2025.

### **Reasons for Decision**

4. The Tribunal considered the application in terms of Rule 8 of the Chamber 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;·*  
*(c) they have good reason to believe that it would not be appropriate to accept the application;*

*(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."*

5. Rule 109 provides for certain information to be supplied with an application:

#### **Application for an eviction order**

**109.** Where a landlord makes an application under section 51(1) (for an eviction order) of the 2016 Act, the application must—

(a)state—

(i)the name, address and registration number (if any) of the landlord;

(ii)the name, address and profession of any representative of the landlord;

(iii)the name and address of the tenant (if known); and

(iv)the ground or grounds for eviction;

(b)be accompanied by—

(i)evidence showing that the eviction 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; and

(iii)a copy of the notice given to the local authority as required under section 56(1) of the 2016 Act; and

(iv) a copy of Form BB (notice to the occupier) under schedule 6 of the Conveyancing and Feudal Reform (Scotland) Act 1970 (if applicable), and

(c) be signed and dated by the landlord or a representative of the landlord.

The Applicant has failed to provide necessary information. The Tribunal could not grant the order sought.

6. The Tribunal consider that there is good reason why the application should not be accepted due to the Applicant's failure to provide required information and to co-operate with the Tribunal. The application is accordingly rejected.

### **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.**

# A. Strain

**5 August 2025**

**Legal Member/Chair**

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**Date**