

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of Karen Moore, 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 (Procedure) Regulations 2017 (“the Rules”)

Case reference FTS/HPC/EV/25/1315

Parties

Mr Mike Murphy and Mrs Deborah Murphy (Applicant)

KnightBain Lettings (Applicant’s Representative)

6 Badger Brook, Broxburn, EH52 5TB (House)

Karen Moore (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 on 27 March 2025 under Rule 65 of the Tribunal Rules and Section 18 of the Housing (Scotland) Act 1988 ("the 1988 Act").
2. The application was considered by the Tribunal and found to be defective as it did not conform to the Tribunal Rules nor did it proceed on the correct statutory basis. The Applicant's Representative was contacted by email on 17 April 2025, 28 May 2025 and 23 July 2025 which emails set out clearly the defect in the statutory Notice to Quit procedure and in the application. In these emails the Applicant's Representative was advised that, if a valid Notice to Quit could not be produced, the application would be rejected.
3. Although the Applicant's Representative replied, their reply amounted to an explanation as to why the Notice to Quit was defective and did not evidence compliance with the statutory regime set out in the 1988 Act. No indication was given that the correct information and documentation would or could be submitted to comply with the 1988 Act or the Tribunal Rules.

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. The Tribunal cannot grant the application if it is incomplete, proceeds on the wrong basis and does not conform to the Tribunal Rules. As the Applicant's

Representative on their behalf has been given clear information on the defects in the application and has failed to correct the defects, and, as they have been given fair notice that failing to do so might mean that the application might be rejected, the Tribunal considers that there is no prospect of the application being acceptable in terms of the Tribunal Rules. Accordingly, there is good reason to believe that it would not be appropriate to accept the application and so the application is 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.

K. Moore

Legal Member

8 August 2025