



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/25/1478

Mr John Owens, Mrs Elspeth Owens (Applicant)

Leonards Solicitors (Applicant's Representative)

21 Hume Drive, Uddingston, G71 7DN (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 8 April 2025.
2. The application was considered by the Tribunal and further information was requested by letters of 29 April 2025 and 17 June 2025. The Applicant was asked to:

"1. Please provide evidence of the method of service of the notice to leave ("NTL") upon the tenant and evidence of its receipt. Please confirm that service was also made in accordance with the manner agreed in the tenancy agreement. 2. You have not provided a copy of the notice which is required to be given to the local authority under

section 11(3) of the Homelessness etc. (Scotland) Act 2003. Please provide a copy and evidence of the method and date on which that was given to the local authority.

3. It is noted that the ground upon which eviction appears to be sought in terms of your application is ground 1, that the landlord intends to sell the let property. In terms of the Firsttier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, Rule 109, it is a requirement that an application for eviction is accompanied by evidence showing that the eviction ground has been met. The relevant provisions of the Private Housing (Tenancies) (Scotland) Act 2016 set out the types of evidence which might tend to show that the landlord has that intention. Can you please provide appropriate evidence supporting the ground upon which you seek to rely as set out in the relevant schedule to the 2016 Act. Please respond within 14 days. Upon receipt of the above information, a decision can then be taken on whether the application is valid and whether they should be accepted and referred to the tribunal for full determination. If you fail to provide the necessary information the tribunal may reject your application. Please reply to this office with the necessary information by 1 July 2025. If we do not hear from you within this time, the President may decide to reject the application."

3. The information was not received.

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.

Alan Strain

29 July 2025

Legal Member/Chair

Date
