

Housing and Property Chamber
First-tier Tribunal for Scotland



**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/25/1649

Parties

Mortgage Simplicity (Applicant)

[REDACTED]

O'Malley Property (Applicant's Representative)^s

Terrace, Alloa, FK10 2BB (House)

1. On 17 April 2025, an application was received from the applicant. The application was made under Rule 109 of the Procedural Rules. The applicant sought an order for eviction.
2. By letters from the Tribunal dated 13 May 2025 and 30 June 2025 the Tribunal requested further information. The applicant has failed to respond to the further information requests, and as at 4 August 2025 the following information was still outstanding:-

"1 The notice to leave is for a different tenant and different property. It also includes ground 1, as opposed to ground 5 as stated in the application. Please provide a valid notice to leave that has been sent to the respondent.

2 The tenancy agreement appears to be missing every second page. Please provide a complete copy of the tenancy agreement.

3 Please provide evidence to support the ground for possession. For ground 5 this may include an affidavit from the family member confirming their intention to live in the let property.

4 Please provide a full copy of the email that was sent to the respondent with the notice to leave.

5 Please provide a written mandate from the applicant authorising you to represent them in the Tribunal application."

3. The applicant has failed to respond to both further information requests and the foregoing issues remain outstanding.

DECISION

4. 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."

5. 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

6. The Tribunal had requested further information to support this application from the applicant. The applicant has not provided the information requested.
7. 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 109. Put simply, the applicant has not provided the information required to support an application for eviction against the respondent.
8. 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.

Melanie Barbour

Melanie Barbour

Legal Member

4 August 2025