



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 51 of the Private Housing  
(Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/25/1151**

**Re: Property at 86 Eastfield Road, Carluke, South Lanarkshire, ML8 4NZ (“the  
Property”)**

**Parties:**

**Mr Beka Kurmashvili, 15A Braefoot, Carnoustie, Angus, DD7 7BG (“the  
Applicant”)**

**Tribunal Members: Ruth O’Hare, Legal Member with delegated powers from  
the Chamber President**

**Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that it had good reason to believe that it would not be appropriate to accept the application received by it on 17 March 2025. The Tribunal therefore rejects the application under Rule 8(1)(c) of the Rules.

**Background**

- 1 This is an application for an eviction order under Rule 109 of the Rules and section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Applicant relied upon ground 12 as the ground for possession, citing rent arrears.
- 2 In terms of Rule 5(2) of the Rules a Legal Member with delegated powers from the Chamber President reviewed the application to assess whether it had been lodged in the required manner. Following said review the Tribunal wrote to the Applicant by email on 12 April 2025 in the following terms:-

*“A Legal Member of the Tribunal with delegated powers of the President has considered your application. Please provide the following-*

- 1. A rent statement that shows the rent due, the payments made and the running monthly total outstanding.*

*2. Evidence of compliance with the rent arrears pre action protocol.*

*3. Confirmation that the joint owner wishes to be added as joint Applicant, with contact details, or a letter from them confirming that the application can proceed in your sole name.*

*Please reply to this office with the necessary information by 26 April 2025. If we do not hear from you within this time, the President may decide to reject the application.”*

- 3 The Tribunal received no response. On 2 June 2025 the Tribunal wrote again to the Applicant by email, advising that her application could not proceed as it did not meet the required manner of lodgement. The Applicant was told that if she did not provide the requested information her application would likely be rejected. The Tribunal gave the Applicant a final opportunity to submit the information and ask for a response no later than 16 June 2025.
- 4 No further response was received from the Applicant.

### **Reasons for decision**

- 5 The Legal Member considered the application in terms of the Rules and determined that the application should be rejected in terms of Rule 8(1) (c) which states that an application must be rejected if the Tribunal has “good reason to believe that it would not be appropriate to accept the application.”
- 6 The basis of the decision is that the Applicant has failed to provide the information requested by the Tribunal. In terms of Rule 5(3) of the Rules, the Chamber President or another member of the Tribunal under the delegated powers of the Chamber President, may request further documents if it is determined that an application has not been lodged in the prescribed manner. The application in its current form does not meet the mandatory requirements for lodgement that apply to an application under Rule 109 of the Rules. The Applicant has been asked for further information on two occasions. She has been warned that a failure to provide the information may result in the application being rejected. The Applicant has therefore been given the opportunity to address the outstanding matters. Accordingly the Legal Member has concluded that the Applicant’s failure to provide the information constitutes good reason to reject the application under Rule 8(1)(c).

### **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.**

# R. O'Hare

18 July 2025

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Legal Member/Chair

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Date