



**DECISION AND STATEMENT OF REASONS OF JOSEPHINE BONNAR,
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 Procedure Rules")**

Case Reference: FTS/HPC/EV/25/1506

16 North Street, Leslie, Glenrothes ("the Property")

Kenneth Cochrane, 9 Valley Grove, Leslie, Fife ("the Applicant")

1. The Applicant seeks an eviction order in terms of Rule 109 of the Procedure Rules and Section 51 of the Private Housing Tenancies (Scotland) Act 2016 ("the 2016 Act"). Various documents were submitted with the application.
2. The Tribunal issued a request for further information and documents in terms of Rule 5(3) of the Procedure Rules. The Applicant was directed to provide evidence of service of the Notice to leave on the tenant, a copy of the section 11 notice and evidence in support of the eviction ground. The Applicant was also directed to provide an amended application from as the ground specified in the existing form (ground 1A) had been repealed and different grounds were specified in the Notice to leave. Although notified that failure to respond may lead to the application being rejected, the Applicant did not respond to the request or to a reminder issued by the Tribunal.

Decision

3. After consideration of the application the Legal Member considers 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."

Reasons for decision

4. Rule 5 of the Procedure Rules states that an application "is held to have been made on the date that it is lodged if, on that date, it is lodged in the manner as set out in..." the relevant Rule. In terms of Rules 5(2) and (3), the Chamber President or a Member with delegated powers must assess whether the

“mandatory requirements for lodgement have been met” and “may request further documents”.

5. The application was lodged in terms of Rule 109. This Rule requires an application to state the eviction ground which is relied upon and be accompanied a copy of the notice to leave which has been given to the tenant, evidence in support of the eviction grounds and a copy of the section 11 notice sent to the Local Authority. The Applicant has failed to provide or specify the following;-
 - (a) Evidence that the Notice to leave was given to the tenant.
 - (b) A valid eviction ground.
 - (c) Evidence in support of the eviction ground.
 - (d) A copy of the Section 11 notice with evidence that it was sent to the Local authority.
6. The Applicant has also failed to provide the information and documents in response to requests for information made in terms of Rule 5(3).
7. The Applicant has failed to comply with Rules 5 and 109 of the Procedure Rules. In the circumstances, the Legal Member is satisfied that there is good reason to believe that it would not be appropriate to accept the application. The application is rejected on that basis.

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.

Josephine Bonnar

Josephine Bonnar, Legal Member
22 July 2025