



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 8(1)(c) of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”)**

**Chamber Ref: FTS/HPC/EV/25/1036**

**Re: Property at 50 Appin Crescent, Kirkcaldy, Fife, KY2 6ES (“the Property”)**

**Parties:**

**Mr Robert Kay, 6 Edington Place, Dysart, Kirkcaldy, Fife, KY1 2XF (“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 11 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”).
- 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’s representative, Martin and Co, on 9 April 2025 in the following terms:-

*“Your application has been referred to a legal member with delegated powers of the Chamber President. The legal member asks you to provide information as follows:*

- 1. Please provide written authorisation from the Applicant for you to act.*

*2. Please confirm the Ground relied upon as you have lodged the application detailing Ground 11 as the Ground relied upon (breach of tenancy agreement). This appears to be an error. Please lodge an amended application form with the correct Ground.*

*3. Please provide a copy of the Notice to Leave along with proof of service on the Respondent.*

*4. Please provide copy of the section 11 Homelessness Notice along with proof of service on the local authority.*

*Please provide the information requested within 14 days failing which your application may be rejected.*

*Please reply to this office with the necessary information by 23 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 20 May 2025 the Tribunal wrote again to the Applicant’s representative by email asking them to provide the information within 14 days failing which the application would be rejected.
- 4 No further response was received from the Applicant’s representative.

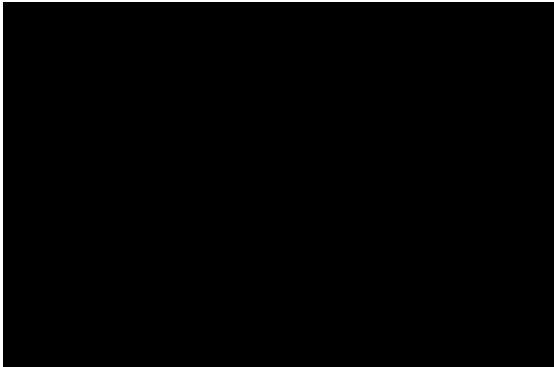
### **Reasons for decision**

- 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’s representative has been asked for further information on two occasions. They have 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.



5 July 2025

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Date