

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/25/1798

Re: Property at 5 Blackmoor Place, Motherwell, ML1 4JX (“the Property”)

Parties:

Mrs Atia Tabassum, 370 High Street, Motherwell, ML1 5HP (“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 29 April 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 application was received by the Tribunal on 29 April 2025.
- 2** In terms of Rule 5(2) of the Rules, a Legal Member with delegated powers from the Chamber President considered the application to assess whether it had been lodged in the required manner. On 28 May 2025 the Tribunal wrote to the Applicant by email requesting further information under Rule 5(3) of the Rules in the following terms:-

“1. You do not appear to have given the tenant the required notice under the Private Housing (Tenancies) (Scotland) Act 2016. The letter sent to the tenant on 13 January 2025 is not in the prescribed format for a notice to leave. You have produced an unsigned notice to leave dated 28 April 2025 which appears to correspond with the lodging of the application. That notice to leave is not due to expire until 27 August 2025 (we presume reference to 27 August 2024 is a

typographical error). Please consider withdrawing the application and re-submitting once a notice to leave in the correct format has been given to the tenant, and the relevant notice period has expired. Alternatively please produce a valid notice to leave that has been sent to the tenant prior to the submission of the application and proof of delivery.

2. Please provide a full copy of the tenancy agreement.

3. Please provide a section 11 notice and proof that this has been sent to the local authority. A section 11 notice is a legal requirement for an application under rule 109.

4. 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 move into the property.”

The Applicant was asked to provide the information by 11 June 2025, failing which the application may be rejected.

3 The Tribunal received no response from the Applicant. On 14 July 2025 the Tribunal wrote again to the Applicant requesting the information by 28 July 2025. The Applicant was again warned that if the Tribunal did not hear from her within that timescale the application may be rejected.

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. The Applicant has been asked for further information on two occasions under Rule 5(3) of the Rules. 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

11 August 2025

Legal Member/Chair

Date