



**Decision and statement of Reasons of the First Tier Tribunal (Housing and Property Chamber)**

**Under Rule 8 of the First Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ‘the Rules’.**

In respect of application by Mr Kevin Callaghan in terms of rule 109 of the Rules.

**Case reference FTS/HPC/EV/25/1297**

At Glasgow on the 1 September 2025, Lesley Anne Ward, legal member of the First –Tier Tribunal ‘the Tribunal’ with delegated powers of the Chamber President, rejected the above application in terms of Rule 8(1) (c) of the Rules

1. This is an application by Mr Kevin Callaghan for eviction proceedings in terms of rule 109 of the rules. The application was incomplete and the only document accompanying the application was a copy of the notice to leave.
2. The inhouse convenor reviewed the application and the tribunal wrote to the applicant on 14 April 2025 seeking further information as follows:

The in-house convenor has reviewed the eviction application. To enable it to be considered further please respond to the following within 14 days:

- (1) Please amend the application to give the joint owner’s name and address or provide his written consent for the application to proceed in your sole name.
- (2) Please clarify why the joint owner is not referred to in the notice to leave.
- (3) Please provide a copy of the tenancy agreement.
- (4) Please provide proof of service of the notice to leave.

(5) Please provide evidence of the eviction ground in the form of a letter of engagement from a solicitor or estate agent or a recent home report.

(6) Please provide a copy of the notice on the local authority as required by section 56 of the Private Housing (Tenancies) (Scotland) Act 2016 and proof of service of the notice. Please reply to this office with the necessary information by 28 April 2025

3. The applicant responded on 11 April 2025 by sending a copy of the tenancy agreement. No further information was provided.
4. The in-house convenor reviewed the application again and the tribunal wrote to the applicant on 12 May 2025 as follows:

Your email of 15 April 2025 is acknowledged and has been reviewed and considered. You appear to be asking the tribunal for advice on how to proceed.

The tribunal is an independent judicial body and cannot provide advice to applicants on matters connected to the application. If you require assistance in responding to the questions that are contained in our email to you of 14 April, then you require to seek independent legal advice.

Upon receipt of the above information, a final decision can then be taken on whether the application is valid and whether it should be accepted and referred to the tribunal for full determination.

Please respond to this letter within the next three weeks. If you fail to respond to this letter then the tribunal may reject your application. You should be aware that the Tribunal has the power to reject applications on grounds set out in rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. Please reply to this office with the necessary information by 2 June 2025.

5. The applicant contacted the tribunal on 2 June 2025 to state that he was not seeking advice but seeking an eviction.
6. The in-house convener reviewed the application again on 8 July 2025 and the tribunal sent a further request for information on that date as follows:

Your application does not currently meet the conditions set out in rule 109 of the Tribunal rules. There is some further information that we require and we cannot give advice about how you go about providing that information. The documentation that we require is as follows:

- (1) The written consent of the joint proprietor for the application to proceed in your sole name.
- (2) Evidence showing that the eviction ground is established. Ground 1 of the Private Housing (Tenancies) (Scotland) Act 2016 provides examples of the type of evidence which is acceptable to demonstrate that the eviction ground is established. The examples given include a letter of engagement from a solicitor or estate agent or a recent home report.

(3) You need to provide a copy of the notice on the local authority as required by section 56 of the Private Housing (Tenancies) (Scotland) Act 2016 and proof of service of the notice. You may wish to take advice from a solicitor or housing advisory service. Please respond within 14 days. Upon receipt of the above information, a decision can then be taken on whether the application is valid and whether they should be accepted and referred to the tribunal for full determination. If you fail to provide the necessary information the tribunal may reject your application.

7. The applicant responded on 22 July 2025 to ask for an extension of time from the tribunal. An extension was granted until 20 August 2025. No response has been received from the applicant. .
8. Rule 8(c) of the rules provides that the chamber President must reject an application if they have good reason to believe it would not be appropriate to accept it. I have good reason to consider that it would not be appropriate to accept this application as the applicant has failed to cooperate with the tribunal in the execution of its duties. Three in-house convenors have reviewed the application and made reasonable requests for further information and the applicant has failed to cooperate.
9. It is open for the applicant to resubmit the application with the correct supporting documentation.

**NOTE: What you should do now.**

If you accept this decision there is no need to reply.

If you disagree with this decision you should note the following:

An applicant aggrieved by this 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 seek permission to appeal within 30 days of the date the decision was sent them. Information about the appeal procedure can be forwarded on request.

**Lesley Anne Ward**

Lesley Anne Ward

Legal Member