

Housing and Property Chamber
First-tier Tribunal for Scotland



**DECISION AND STATEMENT OF REASONS OF PETRA HENNIG MCFATRIDGE 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 Procedural Rules")

in connection with

Case reference FTS/HPC/EV/25/2339

Parties

Miss Donna Short (Applicant)

285 Househillwood Road, Glasgow, G53 6SR (House)

1. On 31.5.2025 the First Tier Tribunal for Scotland Housing and Property Chamber (FtT) received the application under rule 66 of the Procedure Rules from the Applicant. The application was accompanied by a Tenancy Agreement commencing 27.11.2015 with an initial term stated in clause one as expiring on 27.5.2016, a Notice to Leave under the Private Housing (Tenancies) (Scotland) Act 2016 (the 2016 Act) stating as the date when proceedings could be raised in part 4 1.1.2025 and a text exchange between the tenant and landlord.
2. On 2.7.2025 the FtT wrote to request further information in the following terms: For an application under Rule 66, you must submit the following documents:- 1 A notice to quit and a notice under section 33(1)(d) of the Housing (Scotland) Act 1988 which have been given to the tenant, and have expired. You must also provide evidence of the method of delivery upon the tenant, e.g. postal receipt and tracking information. 2 A section 11 notice and proof that this has been sent to the local authority, e.g. covering email or postal receipt. 3 A copy of the Form AT5 that was given to the tenant prior to signing the short assured tenancy agreement.

4 An amended Form E which includes the correct ground for possession at section 5. Case 15 is not a ground that applies to short assured tenancies. If you do not have the above documents please withdraw the application and re-submit once they are available. You may wish to seek advice from a solicitor or advice agency if you require further guidance with your application. The Tribunal cannot provide advice as an independent judicial body but there are details of advice agencies available under the Useful Links section of our website. Please reply to this office with the necessary information by 15 July 2025. If we do not hear from you within this time, the President may decide to reject the application.

3. The Applicant asked for further time for a reply and the FtT allowed an extension of the reply time to 24.7.2025. No further reply was received.
4. The documents contained in the case file are referred to for their terms and held to be incorporated herein.

DECISION

5. I considered the application in terms of Rule 8 of the Procedural Rules. That Rule provides:-

"Rejection of application

8.—(1) The Chamber President or another member of the First-tier Tribunal under the delegated powers of the Chamber President, must reject an application if –

(a) they consider that the application is frivolous or vexatious;

(b) the dispute to which the application relates has been resolved;

(c) they have good reason to believe that it would not be appropriate to accept the application;

(d) they consider that the application is being made for a purpose other than a purpose specified in the application; or

(e) the applicant has previously made an identical or substantially similar application and in the opinion of the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, there has been no significant change in any material considerations since the identical or substantially similar application was determined.

(2) Where the Chamber President, or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, makes a decision under paragraph (1) to reject

an application the First-tier Tribunal must notify the applicant and the notification must state the reason for the decision."

6. After consideration of the application, the attachments and correspondence from the Applicant, I consider that the application should be rejected in terms of Rule 8 (c) of the Rules of Procedure on the basis as the Tribunal has good reason to believe that it would not be appropriate to accept the application.

REASONS FOR DECISION

Rules of Procedure:

Application for order for possession upon termination of a short assured tenancy

66. Where a landlord makes an application under section 33 (recovery of possession on termination of a short assured tenancy) of the 1988 Act, the application must—

(a)state—

(i)the name, address and registration number (if any) of the landlord;

(ii)the name, address and profession of any representative of the landlord; and

(iii)the name and address of the tenant;

(b)be accompanied by a copy of—

(i)the tenancy agreement (if available) or, if this is not available, as much information about the tenancy as the landlord can give;

(ii)the notice by landlord that the tenancy is a short assured tenancy; and

(iii)the notice given to the tenant under section 33(1)(d) of the 1988 Act;

(iv)the notice to quit served by the landlord on the tenant;

(v)a copy of the notice by the landlord given to the local authority under section 11 of the Homelessness (Scotland) Act 2003 (if applicable), and

(vi)a copy of Form BB (notice to the occupier) under schedule 6 of the Conveyancing and Feudal Reform (Scotland) Act 1970 (if applicable), and

and

(c)be signed and dated by the landlord or a representative of the landlord.

7. The tenancy agreement produced shows a Short Assured Tenancy with an initial term from 27.11.2015 to 27.5.2016 thereafter continuing month to month.

8. Rule 66 (b) (ii) requires that the application is accompanied by the AT5 notice issued at the commencement of the tenancy. This was not provided.
9. Rule 66 (b) (iii) requires that the application is accompanied by a S 33 notice. This was not provided.
10. Rule 66 (b) (iv) requires that the application is accompanied by a Notice to Quit. The Applicant has not provided a Notice to Quit to a valid ish date and in fact has not provided a Notice to Quit at all. The document submitted is a Notice to Leave under the Private Housing (Tenancies) (Scotland) Act 2016, which does not provide a valid ish date and does not provide the required information in terms the Assured Tenancies (Notices to Quit Prescribed Information) (Scotland) Regulations 1988.
11. Rule 66 (b) (v) requires that an application is accompanied by the Notice given to the Local Authority in terms of S 11 of the Homelessness (Scotland) Act 2003. This was not provided.
12. For the reasons stated above it would not be appropriate for the Tribunal to accept the application. The lodging requirements for such an application have not been met. The application in terms of rule 66 is thus rejected.

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.

Petra Hennig McFatridge
Legal Member
29 August 2025