



**DECISION AND STATEMENT OF REASONS OF FIONA WATSON, 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 Rules")**

in connection with

3/2, 22 Kirkoswald Road, Glasgow, G43 2YH ("the Property")

Case Reference: FTS/HPC/EV/25/2133

Jennifer Marshall, 37 Berryknowes Drive, Glasgow, G52 2DZ ("the Applicant")

**Craig McDowall & Deborah McDowall Gilchrist, 3/2, 22 Kirkoswald Road,
Glasgow, G43 2YH ("the Respondent")**

1. The Applicant submitted an application under Rule 109 of the Rules seeking a repossession order on the basis of a member of the landlord's family intends to live in the property. The Applicant lodged the following accompanying documents with the application:
 - (i) Copy email to Deborah McDowall Gilchrist re Notice to Leave
 - (ii) Copy email to local authority re s11 notice
2. Following a request for further information, the Applicant lodged the following accompanying documents:
 - (iii) Copy Notice to Leave
 - (iv) Affidavit

DECISION

3. The Legal Member considered the application in terms of Rule 8 of the Chamber 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.

- 4. After consideration of the application and the documents submitted by the Applicant in support of same, the Legal Member considers that the application should be rejected on the basis that there is good reason to believe that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Rules.**

Reasons for Decision

5. Emails were sent to the Applicant on 23 June 2025 and 25 July 2025 seeking the following information:
 - (i) “A copy of the tenancy agreement
 - (ii) A copy of the notice to leave that was sent to the tenant
 - (iii) A copy of the section 11 notice that was sent to the local authority
 - (iv) Evidence to support the ground for possession. It appears that you may be relying upon ground Evidence to support ground 4 may include an affidavit from the landlord stating their intention to live in the let property.”
6. Whilst the Applicant provided a copy of the Notice to Leave issued to one of the tenants by email, a copy of the Section 11 Notice and an Affidavit in support of the Ground being relied upon, they did not submit a copy of the tenancy agreement. This is essential to evidence the terms and conditions of the contract between the parties. It is also essential to show that the Applicant is entitled to issue the Notice to Leave by email. Although the Applicant had submitted a copy of the Notice to Leave, they did not submit proof that it was issued to both tenants.
7. A further email was issued to the Applicant on 8 August 2025 requesting that they provide the missing information by 29 August 2025, failing which the application may be rejected. The Applicant failed to respond to said email. Accordingly, the Legal Member has good reason to believe that it would not be appropriate to accept the application.
8. The Legal Member therefore determines 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.

Fiona Watson

Fiona Watson
Legal Member
15 September 2025