



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/25/2426

Re: Property at 83 Jura Street, Glasgow, G52 1DQ (“the Property”)

Parties:

Mr Christopher Connell, 19 Marlach Place, Crookston, Glasgow, G53 7FX (“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 there is good reason to believe that it would not be appropriate to accept the application received by it on 9 June 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 on 14 July 2025 in the following terms:-

“A Legal Member of the Tribunal has considered your application. Before a decision can be made on whether the application can proceed to a tribunal for full determination, we require you to provide the following information:

- 1 *Please submit an amended Form E with the numbered ground for possession stated at Section 5. Please refer to schedule 3 of the Private*

Housing (Tenancies) (Scotland) Act 2016 for the grounds that apply to private residential tenancies.

- 2 *Please provide a copy of the tenancy agreement.*
- 3 *Please provide a copy of the notice to leave and proof that this has been sent to the tenant, e.g. covering email or postal receipt and tracking information.*
- 4 *Please provide a copy of the section 11 notice and proof that this has been sent to the local authority, e.g. covering email or postal receipt. Please note a section 11 notice is not the same as a notice to leave. It is a specific notice that landlords must give to the local authority when making an application for an eviction order.*
- 5 *Please provide evidence to support the ground for possession. This may include a letter of engagement from a solicitor or estate agency regarding the sale of the property, or a recent home report.*

Please read the above carefully and ensure you provide a response to all of the numbered points. You may wish to seek advice from a solicitor or estate agency if you require guidance with your application. The Tribunal cannot provide you with advice as we are an independent judicial body but there are details of advice agencies available under the Useful Links section of our website.

Upon receipt of your response we may seek further information from you before a decision is made on whether the applications can proceed to a Tribunal for determination.

Please reply to this office with the necessary information by 28 July 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 from the Applicant. On 12 August 2025 the Tribunal wrote again to the Applicant asking him to provide the information no later than 26 August 2025, failing which it was likely that the application would 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 that apply to an application under Rule 109 of the Rules. The Applicant has been asked for further information on two occasions. He 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.

Ruth O'Hare

29 August 2025

Legal Member/Chair

Date