



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 David Monaghan in terms of rule 109 of the Rules.

Case reference FTS/HPC/EV/25/2177

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 David Monaghan for eviction proceedings in terms of rule 66 of the rules. The application was incomplete.
2. The in-house convenor reviewed the application and the tribunal wrote to the applicant on 25 June 2025 seeking further information as follows:

Your application has been reviewed by a legal member of the First-tier Tribunal with delegated powers of the Chamber President who has raised the following matters:

The tenancy agreement shows that there are joint landlords. Please confirm that you wish to add Janet McMaster as a joint applicant.

Please amend the application form to show the full name of the tenant/respondent. The copy Notice To Leave (‘NTL’) you have provided is undated and unsigned. Please provide a copy of the signed and dated version served upon the tenant.

Please provide evidence of the method of delivery of the notice to leave to the tenant and evidence of its receipt. Please provide evidence of compliance with The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations

2020. What steps have been taken in conjunction with the tenant to manage arrears prior to commencing proceedings for repossession on the grounds of rent arrears?

Please provide a copy of a rent statement showing when rent arrears began to accrue and what are the current level of arrears.

You have not provided a copy of the notice which is required to be given to the local authority under section 11(3) of the Homelessness etc. (Scotland) Act 2003. Please provide a copy and evidence of the method and date on which that was given to the local authority. Further queries may arise upon examination of these documents.

The tribunal would suggest that you may wish to seek independent legal advice on this application, the matters contained in this letter and any further action which you wish to take. Upon receipt of the above information, a final decision can then be taken on whether the applications are valid and whether they should be accepted and referred to the tribunal for full determination. 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 9 July 2025. If we do not hear from you within this time, the President may decide to reject the application. The applicant did not respond.

3. The in-house convenor reviewed the application again and the tribunal wrote to the applicant on 5 August 2025 as follows:

It is noted that you have failed to provide the further information requested by email dated 25 June 2025. We now write to advise you that if you fail to provide this information within the next two weeks the tribunal will have no option but to 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. Please reply to this office with the necessary information by 19 August 2025.

4. No response has been received from the applicant.
5. 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. Two in-house convenors have reviewed the application and made reasonable requests for further information and the applicant has failed to cooperate.
6. 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