



**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

24 Sarti Terrace, Larbert, FK5 4TD ("the Property")

Case Reference: FTS/HPC/EV/25/1394

Scott Henderson, 16 Lavery Avenue, FK5 4GF ("the Applicant")

1. The Applicant seeks a repossession order in terms of Rule 109 of the Rules.
The Applicant lodged the following document with the application:
 - (i) Section 11 notification to the local authority
2. Following a request for further information, the Applicant lodged the following documents:
 - (i) Letter from Alexander Taylor estate agents re market appraisal
 - (ii) Copy tenancy agreement
 - (iii) Evidence of email service of Notice to Leave
3. Further requests for information were made due to the application being incomplete. Despite these requests, the Applicant failed to provide the information requested.

DECISION

4. 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.

- 5. 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

6. An email was sent to the Applicant on 6 June 2025, seeking the following information:
 - (i) *“Please provide a copy of the notice to leave as previously requested*
 - (ii) *Please provide a mandate from the Applicant authorising you to make the application on their behalf.*
 - (iii) *The evidence of intention to sell may be considered insufficient as it appears to show an enquiry has been made, rather than any firm intention to sell, such as a contract with a selling agent.”*
7. This was not responded to. A further email seeking this information was sent on 18 July 2025 and which again was not responded to.
8. The email of 18 July 2025 set out that should this evidence not be provided, the tribunal will have no option but to reject the application. No responses were received to either of these emails.
9. 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
Legal Member
22 August 2025