



**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 Graeme McNeill in terms of rule 109 of the Rules.

**Case reference FTS/HPC/EV/25/0074**

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 Graeme McNeill for eviction proceedings in terms of rule 109 of the rules. The application was made on his behalf by Ms Clare Todd of Rent Locally.
2. The inhouse convenor reviewed the application and the tribunal wrote to the applicant’s representative on 10 February 2025 seeking further information as follows:

Your application has been referred to a legal member with delegated powers of the Chamber President. The legal member asks you to provide information as follows:

- (1) Please provide your comments on the validity of the Notice to Leave as it does not specify a date in Part 4.
- (2) Please provide proof of service of the Notice to Leave.
- (3) Please provide proof of service of the section 11 Notice on the local authority.
- (4) Please provide written authorisation for you to act from the Applicant.
- (5) Please provide your comments as to whether or not Ground 12 was established at the date of service of the Notice to Leave as it appears from the ledger produced there were no arrears as at 28-30 October 2024.

6. Please provide evidence of compliance with the pre action protocol. Please provide the information requested within 14 days failing which your application may be rejected.

Please reply to this office with the necessary information by 24 February 2025. If we do not hear from you within this time, the President may decide to reject the application.

3. The applicant's representative responded on that date to advise she was no longer instructed.
4. The tribunal sent the same request for information to the applicant on 10 February 2025.
5. The applicant sent a document to the tribunal on 13 March 2025 unrelated to this request.
6. The in-house convenor reviewed the application again and the tribunal wrote to the applicant on 5 April 2025 as follows:

On 10 February 2025, we wrote to you requesting that you deal with the following matters:

- (1) Please provide your comments on the validity of the Notice to Leave as it does not specify a date in Part 4.
- (2) Please provide proof of service of the Notice to Leave.
- (3) Please provide proof of service of the section 11 Notice on the local authority.
- (4) Please provide your comments as to whether or not Ground 12 was established at the date of service of the Notice to Leave as it appears from the ledger produced there were no arrears as at 28-30 October 2024.
- (5) Please provide evidence of compliance with the pre action protocol. You responded on 17 February with copies of documents relating to your statutory obligations as landlord in respect of compliance with health and safety matters. You did not answer any of the points noted above.

Your application has been submitted in terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2026 and Rule 109 of the Tribunal Rules. Both pieces of legislation have strict statutory requirements and you do not appear to have complied with either. The Tribunal cannot provide you with advice on how to proceed and can only point out what you must do to ensure that your application is compliant and can be accepted. You might wish to look at the Useful Links on the tribunal website or to take independent advice. You should reply with the required information by 30 April 2025 or your application is likely to be rejected.

7. The applicant contacted the tribunal on 29 May 2025 to state that he had difficulties with his mobile phone and he hoped he was still in time to respond.
8. The in-house convenor reviewed the application again on 12 June 2025 and the tribunal sent a further request for information on that date as follows:

There are some fundamental issues with the application and it may be in your best interests to consider withdrawing the application, taking legal or suitable housing advice, and making a further application.

9. The applicant did not respond a reminder was sent on 6 August 2025. No response has been received from the applicant.
10. 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.
11. 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 Ward**

Lesley Anne Ward

Legal Member