



**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

20 Citadel Place, Motherwell, ML1 3NT ("the Property")

Case Reference: FTS/HPC/EV/25/2148

**Tony baguley, 50 Upper Brighton Road, Worthing, West Sussex, BN14 9HT ("the
Applicant")**

1. The Applicant submitted an application under Rule 65 of the Rules. The Applicant lodged the following supporting documents with the application:
 - (i) Form AT6
 - (ii) Email to tenant with Form AT6
 - (iii) Notice to Leave
 - (iv) Email to tenant with Notice to Leave
2. A further information request was sent to the Applicant dated 23 June 2025, seeking further information as follows:
 - (i) A copy of the tenancy agreement.
 - (ii) A valid AT6 which includes a ground or grounds for possession under schedule 5 of the Housing (Scotland) Act 1988 which has been sent to the tenant prior to submitting the application.
 - (iii) A notice to quit, unless you believe this is not required in terms of section

18(6) of the Housing (Scotland) Act 1988.

- (iv) Proof that the notice to quit and AT6 have been sent to the tenant, e.g. postal receipt and tracking information, sheriff officers certificate.
 - (v) A section 11 notice and proof that this has been sent to the local authority.
 - (vi) Evidence that the grounds for possession have been met.
3. It was also highlighted to the Applicant that they had raised the application under Rule 65 which applies to possession of assured tenancies on mandatory/discretionary grounds. However, they had included ground 1 in the AT6 and the application form. Ground 1 (where the landlord intends to sell) is not a ground for possession of an assured tenancy. It appears therefore that the Form AT6 is invalid. It was highlighted that for an application under Rule 65 to proceed, the applicant may also require to send the tenant a notice to quit terminating the tenancy at the end of the tenancy term, and that a notice to quit is not the same as a notice to leave.
4. By email of 30 June 2025, the Applicant provided the following items:
- (i) Inventory statement
 - (ii) Tenant information pack
 - (iii) Tenancy agreement
 - (iv) Email correspondence to the tenant
 - (v) S11 notice and evidence of service on the local authority
5. A further information request was sent to the Applicant dated 22 July 2025, seeking further information as follows:
- (i) *"The ground of eviction which you have specified in the form AT6 is not a valid ground for a tenancy which was created under the Housing (Scotland) Act 1988. This means that the form AT6 is not valid. Your application cannot be accepted unless it is accompanied by a valid notice.*
 - (ii) *For future reference, the section 11 notice refers to the wrong legislation.*
 - (iii) *Email is not a valid form of service in respect of notices served under the Housing (Scotland) Act 1988."*

6. The Applicant responded by email on 2 August 2025 seeking further time to respond to the issues raised. The extension request was granted, and a response was requested by 11 September 2025. No further response was received from the Applicant.

DECISION

7. 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.

8. **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

9. The Applicant has failed to provide documents and further information/clarification as requested by the tribunal. The application is therefore entirely lacking in the information required. The Applicant has failed to cooperate with the tribunal process. The Tribunal is satisfied that based on the information provided, that the application does not comply with the statutory requirements for an application under Rule 65. The ground of eviction specified in the form AT6 is not a valid ground for a tenancy which was created under the Housing (Scotland) Act 1988, and accordingly the Form AT6 is not valid. Competent service has also not been effected. The Legal Member has good reason to believe that it would not be appropriate to accept the application on that basis.
10. 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
10 October 2025