

Housing and Property Chamber
First-tier Tribunal for Scotland



**DECISION AND STATEMENT OF REASONS OF MELANIE BARBOUR, 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 Procedural Rules")**

in connection with

Case reference FTS/HPC/EV/25/1392

Parties

Mr Anthony Kilna (Applicant)

17 Towerside Crescent, Glasgow, G53 5RU (House)

1. On 1 April 2025, an application was received from the applicant. The application was made under Rule 65 of the Procedural Rules. The applicant sought an order for eviction.
2. By letters from the Tribunal dated 24 April 2025, 10 June 2025, 16 July 2025, 6 August 2025 and 8 September 2025 the Tribunal requested further information. The applicant responded to the Tribunal's information requests in relation for the following information, however he did not provide the further information requested. He asked for clarification as to why the notices were not valid and asked that the tenant's circumstances be taken into account. Further information was provided to the applicant on several occasions providing clarification as to why the notices were invalid. The applicant was asked if he wished to withdraw his application, re-serve the notices and make a further application. As at 10 September 2025 he has failed to address the issues raised in the successive information

requests and he asks the tribunal to determine the application on the basis of the tenant's circumstances. He has not withdrawn his application.

As of 3 October 2025, the following matters remain outstanding,

- 1. You have made the application under rule 65 which applies to cases where there is a ground of eviction under the Housing (Scotland) Act 1988. You have not produced a form AT6 which you need if you are relying on one of the eviction grounds.*
 - 2. The ground stated by you "landlord intends to sell" is not a valid ground of eviction under the Housing (Scotland) Act 1988.*
 - 3. You have produced a notice to quit and a section 33 notice but the date specified by you as the date you require vacant possession is not an ish date. The notices appear to be invalid. Your application cannot succeed unless you have served valid notices on the tenant. Please confirm that you wish to withdraw the present application to allow you to serve valid notices.*
 - 4. For any future application, you must lodge a section 11 notice along with evidence of service. You must also produce evidence of service of the notices on the tenant.*
3. It is noted that on 16 July 2025, the letter issued to the applicant confirmed the following and explaining why the notices were not valid.
- 1. You have not produced a form AT6 which is required for applications under rule 65. If you rely on a valid ground of eviction under the Housing (Scotland) Act 1988, you must produce a valid form AT6.*
 - 2. The notice to quit is invalid because it seeks to end the tenancy at a date which is not the ish date. The terms of the tenancy is from 1 August 2010 to 31 January 2011. Because the tenancy was not terminated, it continued by tacit relocation on the same terms. The ish dates of the tenancy are 31 January and 31 July each year. If you wish to terminate the tenancy at an ish date, you will have to produce a valid notice to quit and valid section 33 notice. Any subsequent application should be presented under rule 66.*
 - 3. You have not produced a copy of the section 11 notice that you need to serve on the local authority together with evidence to show that it has been served.*

DECISION

4. I considered the application in terms of Rule 8 of the Procedural Rules. That Rule provides:

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"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, the attachments and correspondence from the applicant, I consider that the application should be rejected on the basis that I have good reason to believe that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Procedural Rules.

REASONS FOR DECISION

6. The Tribunal had requested further information to support this application from the applicant. The applicant has not provided the information requested.
7. The applicant's failure to provide the requested information to support the application gives me good reason to believe that it would not be appropriate to accept the application, in circumstances where the applicant is apparently unable to do so in order to progress this application under rule 65. Put simply, the applicant has not provided the information required to support an application for eviction against the respondent.

8. Accordingly, for this reason the application must be rejected upon the basis that I have good reason to believe that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Procedural Rules.

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.

Melanie Barbour

Legal Member

3 October 2025