



**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

12 Central Avenue, Viewpark, Uddingston, G71 6HD ("the Property")

Case Reference: FTS/HPC/EV/25/2821

**Julia McMonagle, 96 Aultmore Drive, Carfin, Motherwell, ML1 4GF ("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) Tenancy agreement
 - (ii) Form AT5
 - (iii) S11 notice and evidence of service on local authority
 - (iv) Letter to tenant entitled "Termination of Tenancy – Notice to Quit"
 - (v) S33 notice and evidence of service
2. A further information request was sent to the Applicant dated 28 July 2025, seeking further information, summarized as follows:
 - (i) No Form AT6 was produced
 - (ii) The reference in the application to a further ground being that the tenancy was a short assured tenancy is not relevant, and would require a separate application under rule 66 and s33 of the 1988 Act

- (iii) The notice to quit does not comply with the Assured Tenancies (Notices to Quit Prescribed Information) (Scotland) Regulations 1988
 - (iv) There was no evidence that the notices had been served on each joint tenant
 - (v) The Form AT5 was unsigned and there was no evidence that the tenants had received same
3. The applicant responded by email of 11 August requesting an extension to the deadline to provide the information, due to family bereavement. Further information was then provided by the applicant on 20 August 2025.
4. A further email was issued to the applicant 2 September 2025 advising that *“unfortunately you have not made a substantive response to the matters raised in our email and we attach a further copy for your attention. You have not provided us with an amended application in terms of rule 66 nor have you provided a valid notice to quit with the prescribed information.”* A further deadline was given of 16 September 2025 to respond with the information requested. No further response was received.

DECISION

5. 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.

- 6. 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

7. 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 provide evidence that Form AT5 was served on the tenants, thereby creating a short assured tenancy. The applicant has failed to provide evidence that a valid Notice to Quit containing the statutory prescribed information was served, and further that a competent notice was served on each tenant. The application cannot succeed without evidence that competent notices have been served. The Legal Member has good reason to believe that it would not be appropriate to accept the application on that basis.
8. 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