



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 Mrs Fiona McNab in terms of rule 109 of the Rules.

Case reference FTS/HPC/EV/25/1393

At Glasgow on the 1 October 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 Mrs Fiona McNab for eviction proceedings in terms of rule 109 of the rules. The application was dated 17 March 2025 and entered into the case management system of the chamber on 3 April 2025.
2. The in-house convenor reviewed the application and the tribunal wrote to the applicant on 22 April 2025 seeking further information as follows:

Before a decision can be made, we need you to provide us with the following:

- Evidence of service of the notice to leave on the tenant.
- Evidence of service of the section 11 notice on the local authority.
- Evidence demonstrating that the eviction ground is established, such as a home report or letter of engagement from a solicitor or estate agent.

Please reply to this office with the necessary information by 6 May 2025. If we do not hear from you within this time, the President may decide to reject the application.

3. The applicant responded on 6 May 2025 to state that all of the requested documents were posted with her application.

4. The in-house convenor reviewed the application again and a further request for information was sent on 10 June 2025 as follows:

Unfortunately, we have not received the documents you sent by mail. Please provide them by email.

5. The applicant sent an email to the chamber on 16 June 2025 with a copy of the notice to leave, the tenancy agreement and copies of correspondence sent to the tenant.
6. The in-house convenor reviewed the application again and the tribunal wrote to the applicant on 16 July 2025 as follows:
On 22 April 2025, you were sent a request for further information and documents. In response you appear to have submitted further copies of documents already lodged and not addressed the matters raised in the tribunal's request.
 - (1) Please provide evidence of service of the Notice to leave. You have submitted the Notice and a copy of a covering letter. However, you must provide a copy of the email to the tenant (showing date and addressee) or post office certificate of posting and track and trace report or Sheriff Officer certificate of service. 2
 - (2) Please provide evidence that the section 11 notice was sent to the Council. You have only submitted another copy of the Notice.
 - (3) You must provide evidence of the intention to sell such as a copy of the contract with the selling agent. Please respond within 14 days or your application may be rejected"
7. The applicant contacted the tribunal on 21 August 2025 to state that she believed everything had been sent to the tribunal. She also stated 'I am now in a position to furnish you with all the required documents and would be grateful if you could advise how we proceed from here'.
8. The requested documents were not provided. The in-house convener reviewed the application again on 26 August 2025 and the tribunal sent a further email to provide the requested information by 9 September 2025.
9. The applicant did not respond.
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. Four 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 Anne Ward

Legal Member