



**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

47 Fern Drive, Barrhead, Glasgow, G78 1JE ("the Property")

Case Reference: FTS/HPC/EV/25/2380

Marianne Cuthbertson, 6A Hillside Grove, Barrhead, Glasgow ("the Applicant")

Bonnie Harper, 47 Fern Drive, Barrhead, Glasgow, G78 1JE ("the Respondent")

1. The Applicant seeks a repossession order in terms of Rule 65 of the Rules. The Applicant lodged the following documents alongside the application:
 - (i) Form AT6, Notice under s33 of the Housing (Scotland) Act 1988 and Notice to Quit
 - (ii) Post office receipt
 - (iii) Copy Tenancy Agreement

DECISION

2. 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.

3. 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 they 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 Rules.

Reasons for Decision

4. An Email was sent to the applicant on 11 July 2025, seeking further information from the Applicant as follows:
 - (i) “Notice given to the respondent before the start of the tenancy that ground 1 might be relied upon. Alternatively, provide your comments as

- to why it would be reasonable to dispense with service of that notice.*
- (ii) A copy of the form AT5 served prior to the start of the tenancy.*
 - (iii) The form AT6 provided is dated 2 June 2025 and states that proceedings would not be raised before 1 June 2025. You do not appear to have given the respondent the required period of notice. It appears that the form AT6 is invalid. Your application under rule 65 cannot be accepted unless it is accompanied by a valid form AT6. Please confirm that you wish to withdraw the application so that you can serve a valid notice on the respondent. Alternatively, please explain why you consider this is a valid notice of proceeding.*
 - (iv) The notice to quit appears to be invalid. It seeks to terminate the tenancy at 31 May 2025, which is not an ish date. The ish date appears to be the 4th of each month. Your application under rule 66 cannot be accepted unless it is accompanied by a valid notice to quit. Please confirm that you wish to withdraw the application so that you can serve a valid notice on the respondent.*
 - (v) A copy of the section 11 notice served on the local authority together with evidence to show that it has been served."*

5. The Applicant replied on 24 July seeking further time to respond. An extension was given to the applicant to 8 August 2025 for the information to be provided. No information was provided by that deadline. A further email was issued to the application on 27 August 2025 seeking the information requested within 10 days, failing which the application may be rejected. No response was received.

6. The Legal Member therefore determines that there is good reason to believe 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
28 September 2025