



**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

4 Marchmont Mews, Polmont, FK2 0GQ ("the Property")

Case Reference: FTS/HPC/EV/25/3002

**Robert Williamson Developments Limited, Polmont Park West, Polmont Park,
Polmont, Falkirk, FK2 0XT ("the Applicant")**

1. The Applicant seeks a repossession order in terms of Rule 109 of the Rules. The Applicant lodged the following documents alongside the application:
 - (i) Notice to Leave and copy email service of same
2. By email of 5 August 2025 the Applicant was asked to provide the following further information:

"(i) The Notice to Leave may be invalid as it is dated 6th April and requires the Respondent to leave by 6th April. Please consider withdrawing the application or provide your representations as to how the application can be accepted in these circumstances. Please do not provide any further copies of the Notice, as you have lodged several copies for no apparent reason.

If the application is to continue, you should be aware of the following:

 - (ii) You have not provided a section 11 notice with evidence of service on

the local authority. The application cannot be accepted without this.

- (iii) *You have provided no evidence to support the ground of eviction. We would require a rent statement showing rent due, rent paid and a running total of rent arrears.*
- (iv) *You refer to ground 12A in the application form – this ground is no longer applicable and the relevant page of the application form should be amended to remove this ground.*
- (v) *You have not provided a copy of the tenancy agreement. This is required.*
- (vi) *It is unclear why the Applicant and Representative are both named as the company. Please consider whether this is correct and amend the relevant page of the application form if necessary. If there is a representative, there should also be a mandate from the Applicant authorising the representative to make the application on their behalf.*
- (vii) *You have provided no evidence of compliance with the pre-action protocol.”*

3. The Applicant failed to respond to the request for information by the deadline set of 19 August 2025. A further request was sent by email to the Applicant on 1 September 2025 and giving a further deadline of 8 September to provide the information requested. Again, the Applicant failed to respond to said request.

DECISION

4. 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.

5. 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

6. Emails were sent to the applicant on 5 August 2025 and 1 September 2025 seeking further information from the Applicant. Neither requests were responded to. Essential documentation is missing from the application including a copy of the tenancy agreement, evidence to support the ground being relied upon and evidence of service of the s11 notice on the local authority. The application cannot proceed without this documentation being lodged. Further, the Notice to Leave appears to be invalid as it is dated 6th April 2025 and states that it requires the Respondent to leave by 6th April 2025, thus failing to give the Respondent the statutory 28-day notice period as required under s54 of the Private Housing (Tenancies) (Scotland) Act 2016.
7. 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
Legal Member
28 September 2025