



**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

8 The Maltings, Victoria Street, Carnoustie, DD7 7LF ("the Property")

Case Reference: FTS/HPC/EV/25/2321

**Ian Mitchell, 6 Kirkview Terrace, St Cyrus, Aberdeenshire, DD10 0AP ("the
Applicant")**

1. The Applicant seeks a repossession order in terms of Rule 109 of the Rules. The Applicant lodged the following documents with the application:
 - (i) Tenancy agreement
 - (ii) Notice to Leave and proof of service
 - (iii) S11 notice to local authority
 - (iv) Arrears letters issued to Respondent
 - (v) Mandate from the landlord
2. On 16 July 2025, a request was issued to the Applicant's representative that they provide an amended Form E with the correct eviction ground included at part 5. The application form referred to reliance on Ground 8, whereas the notice to leave relied on ground 12. The request also sought a copy of the rent increase notice pertaining to the increase in rent on 1 September 2023. No response was received to these requests. A further request was again issued on 10 September 2025 seeking the same information. This again was not responded to.

DECISION

3. 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.

4. **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

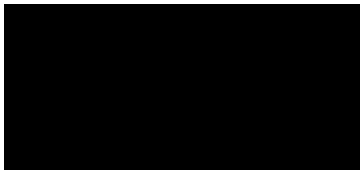
5. Letters were sent to the Applicant's representative on 16 July 2025 and 10 September 2025 seeking an amended application form, due to the ground referred to therein differing to that referred to in the notice to leave. Said requests also sought a copy of the rent increase notice pertaining to the increase in rent on 1 September 2023.
6. The letter of 10 September 2025 set out that should this not be provided, the tribunal may reject the application. No responses were received to any of these letters.
7. The Applicant has failed to cooperate with requests of the Tribunal. The application form does not set out the ground to be relied upon as intimated in the notice to leave served. No explanation has been given as to the disparity between the two, nor any amendment proposed. No evidence has been lodged to evidence that a rent increase has competently been implemented. 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.





Legal Member

24 October 2025