



**DECISION AND STATEMENT OF REASONS OF PETRA HENNIG MCFATRIDGE 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 Procedural Rules")

in connection with

Case reference FTS/HPC/EV/25/1600

Parties

Hayley Anderson (Applicant)

! Davidson Place, Ayr, KA8 0DE (House)

1. On 18.3.25 the First Tier Tribunal for Scotland Housing and Property Chamber (FTT) received the application, which was made under rule 109, which relates to tenancies under the Private Housing (Tenancies) (Scotland) Act 2016 (the 2016 Act) and stated as the ground applicable grounds 10, 12 and 12A of schedule 3 of the Act. The application was accompanied by a copy of the tenancy agreement, the notice to leave dated 2.2.25 on ground 12 only, a copy of a police incident number card and a bank statement.
2. The FTT wrote to the applicant on 8.5.25, 27.6.25, 5.8.25 and 8.9.25 requesting further information, in particular a S 11 notice and evidence of sending, evidence of service of the Notice to Leave on the tenant, an address for the respondent as the

application states he no longer resides in the property, a rent statement and evidence of the compliance with pre-action requirements. The FTT also asked initially what the relevance of the incident number. The applicant only replied initially that the incident number related to the police seeking access to the property and further that the applicant had been made aware the tenant had been detained under the Mental Health Act. No further information was provided.

3. The FTT letters included the information that without a reply the application would likely be rejected.
4. The Applicant did not provide the information requested.
5. The file documents are referred to for their terms and held to be incorporated herein.

DECISION

6. I considered the application in terms of Rule 8 of the 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."

- 7. After consideration of the application, the attachments and correspondence from the Applicant, I consider that the application should be rejected in terms of Rule 8 (c) of the Rules of Procedure on the basis as the Tribunal has good reason to believe that it would not be appropriate to accept the application.**

REASONS FOR DECISION

1. The lodging requirements for an application under rule 109 include under (a) the address of the tenant and under (b) include the requirement to lodge (i) evidence that the ground or grounds has been met, (ii) a copy of the notice to leave given to the tenant as required under section 52(3) of the 2016 Act, (iii) a copy of the notice given to the local authority under S 11 of the Homelessness (Scotland) Act 2003 as required in s 56 of the 2016 Act.
2. The applicant has still not provided evidence of when and how the Notice to Leave was given to the tenant.
3. The applicant has not provided a S 11 notice and proof of this having been given to the local authority. Without this the application cannot proceed.
4. The applicant has not provided a rent statement or evidence of compliance with the pre-action requirements.
5. The applicant has not provided the current address of the tenant.
6. In the absence of the above, the application is incomplete and thus it would not be appropriate to accept it.
7. The applicant had been given the opportunity to provide the necessary documents and has not only not done so but also not reacted to the repeated request for further information on 5.8.25 and 8.9.25.
8. It would not be appropriate for the Tribunal to accept an application which is incomplete and does not meet the lodging requirements in terms of rule 109 of the Procedure Rules and the requirements for a valid application stated in the 2016 Act as set out above.

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.

Petra Hennig McFatridge
Legal Member
27 October 2025