



Decision with Statement of Reasons of Karen Moore, Legal Member of the First tier Tribunal with delegated powers of the Chamber President of the First-tier Tribunal for Scotland (Housing and Property Chamber), under Rule 8 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Case reference FTS/HPC/EV/25/2915

Parties

Mr Kenneth Lamond, Mrs Michelle Lamond (Applicants)

91 Sedgebank Ladywell, Livingston, EH54 6HD (House)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be dismissed on the basis that it would not be appropriate to accept the application in terms of Rule 8(1)(c).

Background

1. The application was received by the Tribunal on 3 June 2025 under Rule 65 of the Tribunal Rules and Section 18 of the Housing (Scotland) Act 1988 (“the 1988 Act”).
2. The application was considered by the Tribunal and found to be defective as it did not conform to the Tribunal Rules, nor did it proceed on the correct statutory

basis as neither a Notice to Quit nor a Notice in terms of Section 19 had been produced. Further none of the documents required by Rule 65 were submitted.

3. The Applicants were contacted by email on 4 August 2025 and 2 September 2025, which emails set out the defects in the application and listed the documents and information required in order to comply with the 1988 Act and Rule 65. that service of the Notices was an essential statutory requirement which could not be waived by the tribunal. The Applicants were given dates by which to reply, the latter being 16 September 2025, and were advised that if no reply with the required documents was received, application was likely to be rejected.
4. No reply was received from the Applicant, and no indication was given that the documentation would or could be submitted to comply with the 1988 Act or the Tribunal Rules.

Reasons for Decision

5. The Tribunal 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;· (c) they have good reason to believe that it would not be appropriate to accept the application; (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."*
6. The Tribunal cannot grant the application if it is incomplete, proceeds on the wrong basis and does not conform to the Tribunal Rules. As the Applicant has been given clear information on the defects in the application and has failed to correct the defects, and, as they has been given fair notice that failing to do so might mean that the application might be rejected, the Tribunal considers that

there is no prospect of the application being acceptable in terms of the Tribunal Rules. Accordingly, there is good reason to believe that it would not be appropriate to accept the application and so the application is rejected.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal 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.



Legal Member

21 October 2025