



**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/25/4161

Parties

Debbie Watson (Applicant)

30 Riverside Court, Nairn, IV12 5BG (House)

1. On 30.9.2025 the First Tier Tribunal for Scotland Housing and Property Chamber (FTT) received the application, which was made under rule 109 of the Procedure Rules and stated as the grounds applicable grounds 1 of schedule 1 of the Private Housing (Tenancies) (Scotland) Act 2016 (the Act).
2. The applicant lodged a copy of the last page of a tenancy agreement and a letter from the applicant to the respondent dated 3.4.2025 and giving 6 months notice due to the property being put up for sale.
3. The file documents are referred to for their terms and held to be incorporated herein.

DECISION

4. 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."

5. 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 (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

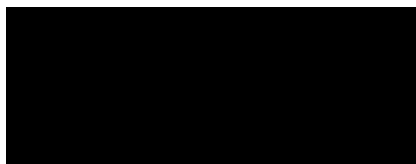
2. None of the documents stated in rule 109 as documents necessary to be provided with an application have been submitted.
3. The Applicant has provided a letter to the tenancy, which is not in the format of a Notice to Leave. It states the landlord is going to put the property up for sale and will collect the keys on 30.9.2025. It states the letter gives the tenant 6 months notice and this should be a reasonable time. The Tribunal considers that what is required in terms of rule 109 (b) ii is a valid Notice to Leave as defined in S 62 of the Act. S 62 (1) (d) requires the notice to fulfil any other requirements prescribed by Scottish Ministers. The Private Residential Tenancies (Prescribed Notices and Forms) (Scotland) Regulations 2017 as amended set out the format and information necessary for a Notice to Leave. The notices sent by the Applicant are not on the prescribed format and do not give the information stated in the statutory form regarding advice and notice periods and does not provide the statutory information required in part 4 of a Notice to Leave.
4. It is unfortunate that the applicant was not aware that a Notice to Leave has to be given in a specific format and comply with the requirements of S 62 of the 2016 Act and The Private Residential Tenancies (Prescribed Notices and Forms) (Scotland) Regulations 2017 as amended. However, without a Notice to Leave in the required format and providing the required information, the FTT cannot accept the application. Whilst the letter the applicant hand delivered to the tenant provided an end date and a reference to the ground for the notice being that the landlord wishes to sell the property, it did not provide all the information required and specifically the advice part set out in schedule 5 pertaining to regulation 6 of the above regulations. It did not state which organisations the tenant could contact for advice and did not set out the requirement for the landlord to apply to the FTT for an eviction order should the notice period expire and the tenant not move out. It did not state on which date the applicant could first apply to the FTT for an eviction order. The document is not a Notice to Leave as required in rule 109.
5. The applicant did not provide a S 11 notice.
6. The applicant did not provide any documentary evidence regarding the application of the ground.
7. Because the requirements for lodging a valid application in terms of rule 109 are not met, it would not be appropriate for the Tribunal to accept the application.
8. The application is accordingly rejected.
9. For the avoidance of doubt, this decision does not prevent the applicant to lodge a fresh application when all the necessary documents for a valid application are available.

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
27 October 2025