



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 8(1)(c) of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”)

Chamber Ref: FTS/HPC/EV/25/3095 and FTS/HPC/CV/25/3096

Re: Property at 107 Overton Mains, Kirkcaldy, Fife, KY1 3JW (“the Property”)

Parties:

Mr Bryan Palmer, 24 Alison Street, Buckhaven, Leven, KY8 1JS (“the Applicant”)

Tribunal Members: Ruth O’Hare, Legal Member with delegated powers of the Chamber President

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that there is good reason to believe that it would not be appropriate to accept the applications received by it on 18 July 2025. The Tribunal therefore rejects the applications under Rule 8(1)(c) of the Rules.

Background

- 1 The Applicant’s representative, Martin and Co, applied to the Tribunal on behalf of the Applicant for an eviction order under rule 109 of the Rules and section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). At the same time the Applicant’s representative applied to the Tribunal for a payment order under rule 111 of the Rules and section 71 of the 2016 Act. The applications were conjoined as they related to the same parties and same tenancy. For the avoidance of doubt, this decision pertains to both applications.
- 2 In terms of rule 5(2) of the Rules, a Legal Member with delegated powers from the Chamber President reviewed the applications to assess whether they had been lodged in the required manner. Following said review the Tribunal wrote to the Applicant’s representative on 6 August 2025 requesting further information under rule 5(3) of the Rules in the following terms:-

“Your applications EV.25.3095 and CV.25.3096 have been reviewed by a legal member of the Tribunal. We now require you to provide the following information:-

1 Please provide a written mandate from the applicant authorising you to represent them in the Tribunal applications;

2 Please refer to sections 54 and 62 of the Private Housing (Tenancies) (Scotland) Act 2016. Where a notice to leave includes ground 12, a tenant must be given 28 days notice. Furthermore, where the notice is sent by recorded delivery, an additional forty eight hours must be added to the notice period to take into account the time it will take for the tenant to receive the notice. The earliest date on which an application can be made to the Tribunal must then be the day after the notice period expires. It appears that the notice to leave may give insufficient notice. Please provide your legal submissions on this point.

3 Please provide any evidence of the landlord’s compliance with the rent arrears pre-action protocol.

Please reply to this office with the necessary information by 20 August 2025. If we do not hear from you within this time, the President may decide to reject the applications.”

- 3 The Tribunal received no response from the Applicant’s representative. On 4 September 2025 the Tribunal wrote again to the Applicant’s representative with a copy of the request for information dated 6 August 2025, noting their lack of response. The Tribunal requested the information be provided within fourteen days.
- 4 The Tribunal has received no further response from the Applicant nor his representative as at the date of this decision.

Reasons for decision

- 5 The Legal Member considered the applications in terms of the Rules and determined that the applications should be rejected in terms of Rule 8(1)(c) which states that an application must be rejected if the Tribunal has “*good reason to believe that it would not be appropriate to accept the application.*”
- 6 The Tribunal took into account the wording of rules 5(2) and 5(3) of the Rules:-

“(2) The Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, must determine whether an application has been lodged in the required manner by assessing whether all mandatory requirements for lodgement have been met.

(3) If it is determined that an application has not been lodged in the prescribed manner, the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, may request further documents and the application is to be held to be made on the date that the First-

tier Tribunal receives the last of any outstanding documents necessary to meet the required manner for lodgement.”

- 7 In this case a Legal Member of the Tribunal with delegated powers from the Chamber President has requested further documents from the Applicant’s representative in order to be satisfied that the applications meet the required manner for lodgement. The Applicant’s representative has failed to provide any response. They have been asked for further information on two occasions. They have been warned that a failure to provide the information may result in the applications being rejected. The Applicant has therefore been given the opportunity to address the outstanding matters. Accordingly the Legal Member has concluded that the Applicant’s failure to provide the information constitutes good reason to reject the applications under Rule 8(1)(c).

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.

R O'Hare

24 October 2025

Legal Member/Chair

Date