

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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**Decision with Statement of Reasons of H Forbes, 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 Rules of Procedure 2017 ("the Rules")**

**Chamber Ref: FTS/HPC/EV/25/2615**

**Re: G2, 11 Tullis Gardens, Glasgow, G40 1AJ ("the Property")**

**Parties:**

**Asim Iqbal ("the Applicant")**

**Marilyn Deans ("the Applicant representative")**

**Tribunal Member:**

**H Forbes (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the application should be rejected on the basis that the application is frivolous in terms of Rule 8(1)(a) of the Procedural Rules, and the Tribunal has good reason to believe it would not be appropriate to accept the application in terms of Rule 8(1)(c) of the Procedural Rules.**

**Background**

1. The application was received by the Tribunal under Rule 66 on 17<sup>th</sup> June 2025 with associated documents.
2. The application was considered by a Legal Member with the delegated authority of the Chamber President. The Applicant representative was informed that the tenancy agreement provided was not a short assured tenancy. This was accepted and the Applicant representative made a request to convert the application rule number to Rule 65. The Applicant representative lodged a Form

AT6 dated and served on 23<sup>rd</sup> December 2024 under grounds 8, 11 and 12. The Applicant representative was also informed that the notice to quit served was not a valid notice to quit as it had not been served to an ish date of the tenancy.

3. The application was further considered by a Legal Member with the delegated authority of the Chamber President and the Applicant representative was informed that the tenancy agreement did not make provision for a contractual tenancy to be brought to an end under the specified grounds and that consideration should be given to withdrawing the application. The Applicant representative repeatedly requested that the application be put before the Chamber President for consideration and acceptance.

## Decision

4. 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."*

5. On consideration of the above test, the Tribunal considers that this application is frivolous, misconceived and has no prospect of success. The Tribunal also determined that the application should be rejected in terms of Rule 8(c) on the basis that there is good reason to believe it would not be appropriate to accept the application.

## Reasons for Decision

6. The tenancy commenced on 28<sup>th</sup> November 2015. The tenancy agreement does not specify a duration. Where a duration has not been specified, a duration of one year may be inferred. The ish date of the tenancy is 28<sup>th</sup> November each year. The notice to quit required the tenant to quit the Property by 28<sup>th</sup> July 2025. That is not an ish date of the tenancy. The contractual tenancy has not been terminated by a valid notice to quit. The tenancy remains a contractual assured tenancy.

7. In terms of section 18(6) of the Act, the Tribunal shall not make an order for possession of a house which is for the time being let on an assured tenancy, not being a statutory assured tenancy, unless certain grounds apply and the terms of the tenancy make provision for it to be brought to an end on the ground in question. Ground 8 has been repealed. The tenancy agreement does not make provision for the tenancy to be ended on grounds 11 and 12. The application cannot proceed under section 18(6) of the Act, and the Tribunal cannot make an order for possession.
8. The application is frivolous and there is good reason to believe it would not be appropriate to accept the application. 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.**

H Forbes

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**Legal Member/Chair**

**27<sup>th</sup> November 2025**  
**Date**