



**DECISION AND STATEMENT OF REASONS OF FIONA WATSON, 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 Rules")**

in connection with

87-40 Pennywell Gardens, Edinburgh, EH4 4TE ("the Property")

Case Reference: FTS/HPC/EV/25/2586

**Mrs Joginder Kaur Singh, Mr Jasvir Singh, 32 Gamekeepers Road, Edinburgh,
EH4 6LU ("the Applicant")**

1. The Applicant seeks a repossession order in terms of Rule 109 of the Rules.
The Applicant lodged the following documents with the application:
 - (i) Tenancy agreement
 - (ii) Notice to Leave
 - (iii) S11 notice to local authority
 - (iv) Rent statement

2. On 16 July 2025, a request was issued to the Applicant that they provide the following information:
 - (i) *"The title to the property is in the names of Jasvir Singh and Joginder Kaur, but the application is only made in the name of Jasvir Singh. Please either submit an amended application form with both owners as Applicants, or provide a letter of consent from Joginder Kaur.*
 - (ii) *Please provide proof of service of both the Notice to Leave and the Section 11 Notice."*

No response was received to this request. A further request was again issued on 15 August 2025 seeking the same information. This was responded to on 20 August 2025 with an amended application form submitted with the joint applicants named, but no proof of service of the Notice to Leave or s11 notice was provided. A further request was again issued on 3 September seeking the proof of service of both the Notice to Leave and the Section 11 Notice. This was not responded to. A further request was again issued on 21 October 2025. This again was not responded to.

DECISION

3. The Legal Member 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;*
- (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.

- 4. After consideration of the application and the documents submitted by the Applicant in support of same, the Legal Member considers that the application should be rejected on the basis that there is good reason to believe that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Rules.**

Reasons for Decision

5. Letters were sent to the Applicant on 15 July 2025, 15 August, 3 September and 21 October 2025 seeking proof of service of the Notice to Leave and s11 notice.
6. The letter of 21 October 2025 set out that should this not be provided, the tribunal would likely reject the application. No responses were received to these letters.
7. The Applicant has failed to cooperate with requests of the Tribunal. No evidence has been lodged to show that the Notice to Leave has been served on the tenant, nor that the s11 notice has been served on the local authority. No order can be granted without the tribunal being satisfied of this evidence. The Legal Member therefore determines that it would not be appropriate to accept the application. The application is rejected on that basis.

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.

Fiona Watson

Fiona Watson
Legal Member
27 November 2025