



Decision with Statement of Reasons of Karen Moore, Legal Member of the Firsttier 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/25/2396

Parties

Mr Jonathan Watson (Applicant)

Stirling Property Shop Ltd (Applicant’s Representative)

11 Catriona Way, Holytown, North Lanarkshire, ML1 4NU (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 under Rule 65 on 5 June 2025. The application was considered by the Tribunal and further information in respect of the legal basis for the application was requested on 7 July 2025 in the following terms: *“1 Please provide a written mandate from the Applicant authorising you to represent him specifically in the application before the Tribunal. 2 Please provide a full copy of the tenancy agreement and AT5. You appear to have only submitted the first page of the AT5. 3 The Applicant is not*

the landlord named on the Form AT5. It is noted that the property was purchased by the Applicant in January 2025. Please confirm if the tenant was advised of the change in ownership, and provide any proof of this. 4 Please clarify the rule under which you wish to proceed. You have submitted the application under Rule 65. Rule 65 applies to possession of assured tenancies on mandatory/discretionary grounds. An application under rule 65 must be accompanied by a notice to quit and Form AT6 that have been given to the tenant. If you wish to proceed under rule 65, please provide a signed Form AT6 together with proof that the notice to quit and Form AT6 have been delivered to the tenant, e.g. sheriff officers certificate, postal receipt and tracking information. 5 You have also produced a signed notice to quit and a signed notice under section 33(1)(d) of the Act. These notices apply the applications under Rule 66, for possession of a short assured tenancy upon termination. If you wish to proceed under rule 66, please submit an amended Form E with the correct ground for possession and rule, together with proof that the notice to quit and section 33 notice have been delivered to the tenant. 6 Please provide a copy of the section 11 notice and proof that this has been sent to the local authority. Please note a section 11 notice is not the same as the notices that must be given to the tenant.”

2. A reply was requested by 21 July 2025, extended to 7 August 2025 at the request of the Applicant's Representative. No reply was received and, on 3 September 2025, a reminder email requesting a reply by 17 September 2025 was issued.
3. By email dated 18 September 2025, the Applicant's Representative resubmitted the documents submitted with the application and submitted part of the information requested by the Tribunal. The Tribunal wrote again to the Applicant's Representative on 22 October 2025 advising that the following matters remained outstanding: *“You have lodged a copy notice to quit and section 33 notice each dated 26 February 2025. Please provide evidence of service by sheriff officer or recorded delivery post. 2. As previously requested, please confirm whether the Respondent was advised of the change in ownership of the property and provide evidence of this. 3. Your application*

proceeds on the basis of a section 33 notice and notice to quit having been served. At section 5 of the application you say that you are proceeding under ground 6 which appears to be incorrect. Please amend section 5”.

4. A reply was requested by 5 November 2025. No reply was received.
5. Each of the Tribunal emails warned that failure to provide the required information might mean that the application would be rejected in terms of Rule 8.

Reasons for Decision

6. 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."*
7. The application proceeds under Rule 65. The correct statutory procedure for Rule 65 has not been carried out and no evidence of the Ground cited has been submitted. The documents submitted with the application appear to relate to an application under Rule 66. However, the Applicant has failed to provide the required documentation for either Rule 65 or Rule 66. Therefore, the Tribunal cannot grant the application without this information.
8. The Tribunal considers that there is good reason why the application cannot be accepted. Accordingly, 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.

Karen Moore

Legal Member

Date

25 November 2025