



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/25/3076

Re: Property at 4E Cairnhope Avenue, Airdrie, ML6 9EH (“the Property”)

Parties:

Mr Alexander Stirling, 25 Hampden Way, Waddington, LN5 9PN (“the Applicant”)

Tribunal Members: Ruth O’Hare, Legal Member with delegated powers from 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 application received by it on 16 July 2025. The Tribunal therefore rejects the application under Rule 8(1)(c) of the Rules.

Background

- 1 This is an application for an eviction order under rule 109 of the Rules and section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. The application was received by the Tribunal on 16 July 2025 having been submitted by the Applicant’s representative, N&L Properties Scotland Ltd.
- 2 In terms of rule 5(2) of the Rules, a Legal Member with delegated powers from the Chamber President reviewed the application to assess whether it had been lodged in the required manner.
- 3 Following said review the Tribunal wrote to the Applicant’s representative on 8 August 2025 requesting a signed mandate from the Applicant, a copy of the tenancy agreement, a copy of the notice to leave and proof of delivery, proof of the method and date of service of the notice under section 11 of the Homelessness etc (Scotland) Act 2003 (“section 11 notice”) and proof of the Applicant’s intention to sell.

- 4 The Applicant's representative responded to the Tribunal by email on 21 August 2025 with a copy of the tenancy agreement, mandate from the Applicant, the notice to leave, and proof of delivery for both the notice to leave and section 11 notice.
- 5 On 9 September 2025 the Tribunal wrote again to the Applicant's representative requesting further information in the following terms:-

"Thank you for your email of 21 August 2025 in response to the Tribunal's request for information. We now require you to provide the following information:-

1 There is a joint tenant named on the tenancy agreement. An application for an eviction order must be made against all tenants. Please confirm that the joint tenant should be added as a joint respondent and provide their contact details.

2 Please provide a notice to leave that was given to the joint tenant, and evidence of delivery. You have only provided this for Duncan Duffy.

3 The email from the landlord is unlikely to be sufficient in terms of evidence to support the ground for possession. As previously advised such evidence may include a sales agreement/letter from an estate agent or solicitor instructed in the sale, or a sworn affidavit from the applicant.

4 Please have regard to the provisions of sections 54 and 62 of the Private Housing (Tenancies) (Scotland) Act 2016. The date specified in the notice to leave must be the day after the notice period has expired, which in this case is 84 days. The notice to leave appears to give insufficient notice. If the application is accepted to proceed to a tribunal for determination, you will require to satisfy the tribunal that the notice to leave is valid.

Please reply to this office with the necessary information by 23 September 2025."

- 6 The Tribunal received no response from the Applicant's representative. On 3 November 2025 the Tribunal sent a final reminder to the Applicant's representative by email. The Tribunal requested they provide a response to the Tribunal's request for information within 14 days or the application would likely be rejected.
- 7 No further response has been received from the Applicant, nor their representative, as at the date of this decision.

Reasons for decision

- 8 The Legal Member considered the application in terms of the Rules and determined that the application 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."

- 9 The basis of the decision is that the Applicant has failed to provide the information requested by the Tribunal. In terms of Rule 5(3) of the Rules, the Chamber President or another member of the Tribunal under the delegated powers of the Chamber President, may request further documents if it is determined that an application has not been lodged in the prescribed manner. The application in its current form does not meet the mandatory requirements for lodgement that apply to an application under Rule 109 of the Rules. The Applicant's representative has been asked for further information on two occasions. They have been warned that a failure to provide the information may result in the application 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 application 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

11 December 2025

Legal Member/Chair

Date