



**DECISION AND STATEMENT OF REASONS OF ALISON KELLY, 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

44 Kylemore Crescent, Motherwell, ML1 3XP ("the Property")

Case Reference: FTS/HPC/EV/25/1176

Asya Al-Turk ("the Applicant")

1. The application was made on 17th March 2025, under Rule 109 of the Procedural Rules being an application for eviction. The Applicant did not state the correct ground of eviction on the application form. Along with the application the Applicant lodged seven different tenancy agreements with seven different individuals, and three different Notices to Leave. There were several other things wrong with the application which prevented it proceeding to a Case Management Discussion.
2. Over the course of six months the Tribunal sent five separate requests to the Applicant for the information required to allow the application to proceed. The Applicant replied to each request but did not provide all the information required. The Applicant pointed out that he had dyslexia and frequently asked for advice on how to proceed. The Tribunal frequently replied to confirm it was an independent body and could not provide advice and suggested that the Applicant seek advice from a solicitor or advice body. On 12th May 2025 the Applicant sent an email to the Tribunal asking it to look at the bigger picture and on 26th May 2025 he sent an email to the Tribunal stating that he could not afford to take advice.

3. On 29th October 2025 the Tribunal sent an email to the Applicant as follows:

The Tribunal has to apply the law, contained in the Private Housing (Tenancies)(Scotland) Act 2016, and the Tribunal's Rules, before allowing any application to proceed to a Case Management Discussion.

You have been asked on multiple occasions to provide the information required. The Legal Member is going to afford you one more opportunity to provide the information, and if it is not received the application will be rejected. Some documents you have already submitted are going to be asked for again. The reason for this is so that the Tribunal is clear about the documents that you are relying on and does not have to go back through all the emails already sent to work out which one is which. The following is required:

1. Please submit (even if you have already submitted it) a copy of the tenancy agreement in relation to this tenant only.

2. Please submit a fresh application form with the correct grounds of eviction listed in part 5. It appears that the grounds on which you rely are Ground 11 (Breach of tenancy) and Ground 12 (rent arrears).

3. Please submit (only ONE) (even if you have already submitted it) Notice to Leave, being the one on which you intend to rely, and being the one which mentions the grounds you are relying on.

4. Please submit (even if you have already submitted it) proof of service (only ONE) of the Notice to Leave that matches to the Notice to leave submitted in relation to point 3 of this email.

5. Please submit (even if you have already submitted it) copy of the Section 11 Notice sent to the local authority, and proof of it having been sent.

6. Please submit, as requested on several occasions, a rent statement with columns showing date rent due, amount paid and arrears outstanding. The Tribunal must be able to see what is due by way of arrears at any given date. It should look like this.

Date Rent Due	Amount	Amount Paid	Arrears

All of this is required because we must follow the law and the Rules, and the tenant is entitled to fair notice of the case against him. The Tribunal cannot disregard the law and the Rules. Please reply within 14 days otherwise the application will be rejected, and you will have to start again. If you require any further information, please contact us, quoting your reference number.

4. On 29th October 2025 the Applicant sent an email to the Tribunal as follows:

Good day, it is not like i have not been trying to complete all your request, however you stated you are giving me one last chance? i have submitted all the documents you have asked and now you need it again as stated in your email. Very confused about your response.

DECISION

5. The circumstances in which an application is to be rejected are governed by 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."

- 6. After consideration of the application, the further information referred to and correspondence from the Applicant, the Legal Member considers that the application should be rejected on the basis that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Procedural Rules.**

REASONS FOR DECISION

7. The Applicant has not provided the information required to allow the case to proceed to a Case Management Decision. The Tribunal has considered the overriding objective to deal with proceedings justly, as set out in Rule 2 of the Tribunal's Rules. In the email of 27th October 2025 the Tribunal ensures that the Applicant was able to participate fully in the proceedings, including assisting him in the presentation of his case without advocating the course he should take, but the Applicant did not take up the opportunity. The Applicant has not supplied the information required and accordingly the application falls to be rejected.

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.



Alison Kelly
Legal Member

24th November 2025