



Decision and statement of Reasons of the First Tier Tribunal (Housing and Property Chamber)

Under Rule 8 of the First Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ‘the Rules’.

In respect of application by Mr Stewart Robertson in terms of Rule 66 of the Rules.

Case reference FTS/HPC/EV/25/4352

At Glasgow on the 10 December 2025, Lesley Anne Ward, legal member of the First –Tier Tribunal ‘the Tribunal’ with delegated powers of the Chamber President, rejected the above application in terms of Rule 8(1)(a) and (c) of the Rules.

1. This is an application by Mr Stewart Robertson to recover possession of the property at 7 South Uphall, Broxburn EH52 5GA on the expiry of a short assured tenancy, in terms of Rule 66 of the Rules. The application was made on his behalf by Ms Helen Wilkinson on KnightBain Limited on 8 October 2025.
2. The in-house convenor reviewed the application, and the Tribunal sent a request for further information on 6 November 2025 as follows:

The Notice to quit appears to be invalid as the date specified is not an ish or end date of the tenancy. In terms of the tenancy agreement the tenancy has continued on a month to month basis since 2 September 2017. The date in the notice is 26 September. As the application cannot be accepted without a valid notice to quit, the application should be withdrawn and re-submitted once valid notices have been served. 2. Please also note that you have submitted a post office certificate of posting dated 27 June although the notices to the Respondents are all dated 3 July 2025.

3. The applicant’s representative has not responded.
4. This is an application for eviction on the basis of the expiry of the tenancy agreement in terms of rule 66. There is a fundamental issue with the notice to quit as set out in the Tribunal’s email of 6 November 2025. The notice to quit is invalid. It is dated 26 September 2025. This does not tie in with the ish date of 2 September agreed in the short assured tenancy agreement. Without a valid notice to quit an application in terms of rule 66 cannot succeed as the tenancy has not been brought to an end.
5. Rule 8(1)(a) of the Rules allows an application to be **rejected** by the Chamber President if **“they consider that an application is vexatious or frivolous”**. “Frivolous” in the context of legal proceedings is defined by Lord Justice Bingham in R-v- North West Suffolk (Mildenhall)Magistrates Court (1998) Env.L.R.9. At page 16 he states:- “What

the expression means in this context is, in my view, that the court considers the application to be futile, misconceived, hopeless or academic”.

6. I consider that this application is hopeless as the notice to quit is invalid and the tenancy has not been brought to an end.
7. Further in terms of rule 8(1)(c) of the Rules the Chamber President must reject an application if they have good reason to believe it would not be appropriate to accept it. The applicant’s representative has failed to respond to the Tribunal’s request for further information of 6 November 2025 and has failed to cooperate with the Tribunal in the execution of its duties. It would therefore not be appropriate to accept it.
8. For the foregoing reasons the application is rejected.

NOTE: What you should do now.

If you accept this decision there is no need to reply.

If you disagree with this decision you should note the following:

An applicant aggrieved by this 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 seek permission to appeal within 30 days of the date the decision was sent them. Information about the appeal procedure can be forwarded on request.

Lesley Ward

Lesley Anne Ward

Legal Member