



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 Sanctury Homes (Scotland) Ltd in terms of rule 111 of the Rules.

Case reference FTS/HPC/CV/25/4110

At Glasgow on the 3 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) (c) of the Rules

1. This is an application by Sanctury Homes (Scotland) Ltd in terms of rule 111 of the Rules. The application was made on their behalf by Brodies LLP. It was dated 25 September 2025. There was a second application for eviction which was withdrawn on 12 November 2025.
2. The inhouse convenor reviewed the application and the Tribunal wrote to the Applicant’s representative on 29 October 2025 seeking further information regarding both applications as follows:

A legal member of the Tribunal with delegated powers of the Chamber President has determined that the following information requires to be provided before the application can progress:

- (1). The application indicates that ground 11 is relied upon. In terms of the 2016 Act, failure to pay rent cannot support ground 11. If there has been some other breach of the tenancy, please provide details.
- (2) The notice to leave appears to be invalid. It was served on 17 June 2025. The period of notice is 28 days. The period of notice expired on 15 July 2025. However, in terms of section 62(4) of the 2016 Act, the applicant becomes entitled to raise proceedings the day after the expiry of the notice period. It appears therefore that the date which should have been entered at section 4 was 16 July 2025. Please confirm that you wish to withdraw the eviction application to enable you to serve a valid notice to leave.

(3) In relation to the claim for payment of money, please provide the rent increase notice.

(4) Please provide a rent statement covering the whole period since arrears started to accrue. The rent statement produced shows an opening balance of £3,872.78. Please reply to this office with the necessary information by 12 November.

3. The Applicant's representative did not respond.

4. The Tribunal President is obliged to reject an application in terms of Rule 8(c) if they have good reason to believe that it would not be appropriate to accept it. As things stand basic information to enable the application to proceed (such as a rent statement) has not been provided. The Applicant's representative has had several weeks to provide the requested information and has failed to do so. They wrote to withdraw the eviction application on 12 November 2025 but they have not made any response in connection with this rent arrears application. I therefore have good reason to consider that it would not be appropriate to accept this application as it is incomplete and the Applicant's representative has failed to cooperate with the Tribunal in the execution of its duties.

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