



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/25/3658

Re: Property at 2 Station Road, Motherwell, ML1 5NW (“the Property”)

Parties:

Mr Mohammad Aslam, 2 Stewarton Street, Unknown, ML2 8AN (“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 27 August 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 27 August 2025.
- 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. Following said review the Tribunal wrote to the Applicant’s representative, Empire Property, on 10 September 2025 in the following terms:-

“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. A copy of the tenancy agreement.*

2. *A full address for the applicant – your address as representative is not sufficient.*
3. *We note that there is a joint proprietor. Please advise whether she is to be added as an additional applicant and provide her full name, address and contact details. Alternatively, please provide written evidence that she consents to the applicant making this application alone.*
4. *Please complete section 5 of the form E to state which eviction ground is being relied upon.*
5. *A copy of the notice to leave together with evidence showing when and how it was served on the respondents.*
6. *A copy of the section 11 notice together with evidence of service on the local authority.*
7. *Evidence in support of the eviction ground.*
8. *A mandate from the applicant authorising you to act as representative.*

Please reply to this office with the necessary information by 24 September 2025. If we do not hear from you within this time, the President may decide to reject the application.”

- 3 The Tribunal received no response from the Applicant’s representative. On 3 November 2025 the Tribunal sent a reminder to the Applicant’s representative requesting the information within 14 days, failing which the application may be rejected without further notice.
- 4 No further response has been received from the Applicant, nor their representative, as at the date of this decision.

Reasons for decision

- 5 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.*”
- 6 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.

Ruth O'Hare

3 December 2025

Legal Member/Chair

Date