



**DECISION AND STATEMENT OF REASONS OF PETRA HENNIG MCFATRIDGE 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 Procedural Rules")

in connection with

Case reference FTS/HPC/EV/25/3626

Mr John Tannahill, Mr James Dunn (Applicant)

53 Eynort Street, Lambhill, Glasgow, G22 6PH (House)

1. On 22.8.2025 the First Tier Tribunal for Scotland Housing and Property Chamber (FTT) received the application, which was made under rule 109 of the Procedure Rules and S 51 of the Private Housing (Tenancies) (Scotland) Act 2016 and stated as the grounds applicable "Property is no longer habitable and rent arrears".
2. No supporting documentation was submitted with the application.
3. In letters dated 5.9.2025 and 17.11.2025 the FTT requested further information from the Applicants in the following terms: Your application has been reviewed by a legal member of the Tribunal. You have applied for an eviction order. Your application Form E states that you are applying under five different rules. Your application has therefore been given five different reference numbers. The rules each relate to different types of tenancy. You must therefore identify the nature of the tenancy you have in place so that you can proceed under the correct rule. Please re-submit your application Form E with the correct rule selected. Please

also confirm the identity of the applicant in this case. The landlord registration is in the name of John Paul Tannahill, who is also the registered owner of the property. Please explain why James Dunn is named as a joint applicant. If James Dunn is the applicant's representative, please include his details in part 3 of the Form E and provide a written mandate from the applicant authorising James Dunn to make the application on his behalf. You must also provide the following documents:- 1 A copy of the tenancy agreement. If the tenancy you have in place is a short assured tenancy you should also provide a copy of the Form AT5. 2 A copy of the relevant notice(s) given to the tenant that are required under the legislation applicable to the tenancy you have in place. 3 A section 11 notice and proof that this has been sent to the local authority. 4 Evidence to support the ground for possession, if required. For example, if you are proceeding on the grounds of rent arrears, you will require to submit a rent statement that shows the rent due date, rent due, payments received, and a running balance of arrears, dating back to when the arrears began to accrue. Please refer to the guidance on our website which provides more detail on the documents which must be submitted with the application depending on the rule you are proceeding under. Residential tenancies can be complex and we would respectfully suggest you may wish to seek advice from a solicitor or advice agency before providing your response. The Tribunal cannot provide you with advice as we are an independent judicial body but there are details of advice agencies available under the Useful Links section of our website

4. The period for a reply to the second request for further information had expired on 24.11.2025. By 12.12.2025 no reply had been received and no further documents had been lodged by the Applicants. The document lodged by the applicant and the letters requesting further information from the FTT are referred to for their terms and held to be incorporated herein.

DECISION

5. I considered the application in terms of Rule 8 of the 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 attachments and correspondence from the Applicant, I consider that the application should be rejected in terms of Rule 8 (c) of the Rules of Procedure on the basis as the Tribunal has good reason to believe that it would not be appropriate to accept the application.

REASONS FOR DECISION

1. The lodging requirements for an application under rule 109 include under (b) the requirement to lodge (i) evidence that the ground or grounds has been met, (ii) a copy of the notice to leave given to the tenant as required under section 52(3) of the 2016 Act, (iii) a copy of the notice given to the local authority under S 11 of the Homelessness (Scotland) Act 2003 as required in s 56 of the 2016 Act.
2. The Applicants have not provided any information to confirm that the tenancy in question is a Private Residential Tenancy in terms of the Private Housing (Scotland) Act 2016. They have provided no information about the nature and the terms of the tenancy. The Applicants have not provided any evidence that one of the relevant grounds under the 2016 Act has been met. The Applicants have not provided a S 11 notice and proof of this having been given to the local authority. S 56 (1) of the 2016 Act confirms that an eviction application may not be made without this. The Applicants have not provided a Notice to Leave and proof of how this was served on the tenant.

3. The Applicants also did not verify that the second named Applicant had title and interest to make the application.
4. The Applicants had been advised that the above documents were required and that the application may be rejected if these are not submitted by 24.11.2025. However, despite two letters requesting the information, several document necessary to lodge an application in terms of rule 109 as stated above were not provided. It would not be appropriate for the Tribunal to accept an application which is incomplete and does not meet the lodging requirements.
5. The application is thus 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.

Petra Hennig McFatridge
Legal Member
12 December 2025