



**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/25/3744

Parties

Mrs Gladys Simpson (Applicant)

47 Ashgrove Place, Elgin, IV30 1UJ (House)

1. On 2.9.2025 the First –tier Tribunal for Scotland, Housing and Property Chamber (FTT) received an application for an order for possession under Rule 65 of the Procedural Rules and s 18 of the Housing (Scotland) Act 1988. It mentioned as the ground for the application that the property is to be sold.
2. In the course of further correspondence the following documents were provided by the applicant:
 - a) A S 32 notice dated 1.9.2010
 - b) a Notice to Leave form under the Private Housing (Tenancies) (Scotland) Act 2016 stating as the ground that the landlord wishes to sell the property. The Notice to Leave is dated 6.3.2025 and gives as the relevant date proceedings can first be raised 30.5.2025. It did not provide the information as required by the Assured

Tenancies (Notices to Quit Prescribed Information)(Scotland) Regulations 1988 as amended.

3. On 16.9.2025 the FTT requested the following information from the applicant: 1. Your application is made under rule 65 which relates to assured tenancies (i.e. tenancies entered into before 1 December 2017) Please provide a copy of the tenancy agreement. What you have provided is not the tenancy agreement. 2. The notice to leave you have provided is not the correct notice for an assured tenancy. The correct notice for an assured tenancy is an AT6 Notice. Please provide a copy of the AT6 Notice together with evidence of service. 3. If required please provide a copy of the notice to quit with evidence of service. 4. Please note that intention to sell your property is not a ground for recovery of an assured tenancy. 5. Please provide a copy of the section 11 notice sent to the local authority together with evidence of service of that notice. 6. Please provide evidence in support of whichever ground of recovery you are relying on. You may wish to seek legal advice or specialist housing advice in relation to this letter and what you are required to do so make a valid application for eviction. If you do not respond to this letter within 14 days your application may be rejected
4. No answer was received. On 30.10.2025 the FTT requested the information again.
5. On 4.11.2025 the applicant requested further time to provide information and on 5.11.2025 the FTT allowed an extension for a reply to 27.11.2025. Since then no further communication has been received from the applicant.
6. The documents contained in the case file are referred to for their terms and held to be incorporated herein.

DECISION

7. 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."

8. 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

9. The application is made in terms of Rule 65 of the Rules of Procedure. This relates to orders for possession in relation to assured tenancies under S 18 (1) of the Housing (Scotland) Act 1988.
10. The application was not accompanied by a valid Notice to Quit which meets the requirements for a notice to quit terminating the contractual relationship between parties of a tenancy under the Housing (Scotland) Act 1988. The applicant had provided a notice to leave document under the Private Housing (Tenancies) (Scotland) Act 2016, which is not a valid Notice to Quit under the Housing (Scotland) Act 1988. It does not contain the information required in terms of the Assured Tenancies (Notices to Quit Prescribed Information)(Scotland) Regulations 1988 as amended for a valid Notice to Quit. No proof of service was provided.
11. The applicant has not provided an AT6 document.
12. The applicant has not provided a copy of the tenancy agreement.

13. The applicant has not provided a S 11 notice although the FTT had advised that this was required.
14. Rule 65 requires the lodging of a Notice to Quit with the application. The applicant has not lodged a Notice to Quit. She has lodged only a Notice to Leave, which is not valid for assured tenancies.
15. Rule 65 requires the lodging of a S 11 notice. This was explicitly pointed out to the applicant by the FTT. She has not provided a s 11 document.
16. Rule 65 requires the lodging of an AT6 form. No AT6 form was provided.
17. She has not provided a tenancy agreement although this was requested and has not provided evidence of any relevant grounds of possession applying in this case.
18. The application thus does not comply with the lodging requirements stated in rule 65 b (i), (ii), (iii), (iv) and (v) of the Rules of Procedure.
19. For the reasons stated above it would not be appropriate for the Tribunal to accept the application as this does not fulfill the lodging requirements of a valid application.

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

Petra Hennig McFatridge

Legal Member

14 January 2026