



**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/25/2882, FTS/HPC/EV/25/2884 and FTS/HPC/EV/25/2885**

**Re: Property at 22 Mill Crescent, Newmilns, KA16 9BB (“the Property”)**

**Parties:**

**Stormin Properties, 15 Prestwick Road, Ayr, KA8 8LD (“the Applicant”)**

**Tribunal Members: Ruth O’Hare, Legal Member**

**Decision**

The Legal Member of the First-tier Tribunal for Scotland (Housing and Property Chamber) with delegated powers from the Chamber President determined that there is good reason to believe it would not be appropriate to accept the application. The application is therefore rejected under Rule 8(1)(c) of the Rules.

**Background**

- 1 This is an application for an eviction order which was received by the Tribunal on 3 July 2025. The Applicant submitted one application form referencing rules 65, 66 and 109 of the Rules. The application was therefore given three separate reference numbers in accordance with the Tribunal’s administrative procedures.
- 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.
- 3 Following said review the Tribunal wrote to the Applicant on 28 July 2025 in the following terms:-

*“Thank you for your recent application which has been reviewed by a Legal Member of the Tribunal with delegated powers of the President. Please provide the following further information :*

1. *Title to the property is in name of Norman and Margaret Phillips. The Applicant is stated to be "Stormin Properties". Please explain the basis upon which they make the application. The application should be made by the landlord per the tenancy agreement. To grant the tenancy the landlord must hold title to the property.*

2. *Please provide evidence of landlord registration.*

3. *In the application you state that it proceeds under rules 66, 65 and 109. Only one rule can be applicable and it will depend upon the date on which the tenancy commenced. Please select the correct rule.*

4. *Please provide a copy of the tenancy agreement.*

5. *Please provide a copy of the notice / notices served to bring the tenancy to an end with evidence of service by a competent means.*

6. *Please provide a copy of the section 11 notice sent to the local authority with evidence of it being sent such as the covering email or letter.*

*It is strongly suggested that you obtain legal advice. Note that once you have responded to the queries raised, further questions may arise.*

*Please reply to this office with the necessary information by 11 August 2025. If we do not hear from you within this time, the President may decide to reject the application."*

- 4 The Tribunal received no response from the Applicant. On 10 September 2025 the Tribunal wrote again to the Applicant requesting a response no later than 24 September 2025. The Applicant did not respond. The Tribunal sent a final reminder to the Applicant on 11 November 2025 requesting a response no later than 25 November 2025. The Tribunal advised the Applicant that in the absence of a response the Tribunal would have no option but to reject the application.
- 5 No further response has been received from the Applicant as at the date of this decision.

### **Reasons for decision**

- 6 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."
- 7 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. The Applicant has been asked for further information on three 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 necessary 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**

**18 December 2025**

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**Legal Member/Chair**

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**Date**