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/25/4233

Re: Property at 2 Boyd Orr Road, Saltcoats, KA21 6EW ("the Property")

Parties:

Acton Lang Ltd, C/o Smart Property Lets Ltd, 11 Dellingburn Street, Greenock ("the Applicant")

Tribunal Members: Ruth O'Hare, Legal Member with delegated powers from the Chamber President

Decision

The Legal Member determined that there is good reason to believe that it would not be appropriate to accept the application received by it on 3 October 2025. The Legal Member 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 3 October 2025 having been submitted by the Applicant's representative, Smart Property Lets Ltd.

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's representative by email on 31 October 2025 requesting a signed mandate from the Applicant, evidence as to how and when the notice to leave was served on the tenants, and the registered office address of the Applicant, as opposed to a care of address. The Tribunal requested the information be provided by 14 November 2025, failing which the Chamber President could reject the application.

4   The Tribunal received no response from the Applicant's representative. On 9 December 2025 the Tribunal wrote again to the Applicant's representative by email requesting the information by 23 December 2025. The Applicant's representative was warned that if they failed to provide the information the Tribunal would have no option but to reject the application.

5   No further response has been received from the Applicant, nor their representative, 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 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.

26 January 2026

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Legal Member/Chair   **Date**
    Ruth O'Hare,