



**DECISION AND STATEMENT OF REASONS OF JOSEPHINE BONNAR,
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 Procedure Rules")**

Case Reference: FTS/HPC/EV/25/2183

27 Brigend, Kilwinning ("the Property")

Calum McPherson, 66 High Street, Stewarton ("the Applicant")

1. The Applicant's representative submitted an application for an eviction order in of Rule 109 of the Procedure Rules and Section 51 of the Private Housing Tenancies (Scotland) Act 2016. After the application was submitted, the representative withdrew from acting and notified the Tribunal that the Applicant was dealing with the application himself. A further information request was issued on 29 October 2025, to the email address provided. The Applicant then provided a different email address, and the request was re-issued on 13 November 2025. No response was received to the request or to a reminder sent on 3 December 2025. In the request for further information, the Applicant was directed to a current address for the Respondent (as one of the grounds stipulated was that the tenant is not occupying the property) or submit an application for service by advertisement with a Sheriff Officer trace report. The Applicant was also asked to provide a rent statement which showed the running, monthly total of the arrears of rent, in support of the eviction ground 12, rent arrears over three consecutive months.

Decision

2. After consideration of the application, the Legal Member considers that the application should be rejected in terms of Rule 8(1) (c) of the Procedure Rules 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."

Reasons for the decision

3. Rule 5 of the Procedure Rules states that an application “is held to have been made on the date that it is lodged if, on that date, it is lodged in the manner as set out in rules...105 to 111, as appropriate”. In terms of Rules 5(2) and (3) the Chamber President or a Member with delegated powers must assess whether the “mandatory requirements for lodgement have been met” and “may request further documents”. Rules 5(4) and 5(5) require an Applicant to submit an application for service by advertisement where the address of the Respondent is not known, with evidence of attempts to obtain an address. Rule 109 requires an Applicant to provide evidence in support of the eviction ground.
4. The Applicant has failed to comply with Rules 5 and 109 of the Procedure Rules. Furthermore, their failure to comply with the requirement to provide an address for the Respondent, or apply for service by advertisement, means that the application, if accepted, could not be served on the Respondent. In the circumstances, the Legal Member is satisfied that there is good reason to believe that it would not be appropriate to accept the application. The application is rejected on that basis.

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.

Josephine Bonnar, Legal Member
22 January 2026