



Decision with Statement of Reasons of H Forbes, Legal Member of the First-tier Tribunal with delegated powers of the Chamber President of the First-tier Tribunal for Scotland (Housing and Property Chamber)

Under Rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules")

Chamber Ref: FTS/HPC/EV/25/2935

Re: 8 Great Junction Street, Edinburgh, EH6 5LA ("the Property")

Parties:

**Mohammed Ali and Amira Ali ("the Applicant")
Basira Ali ("the Applicant representative")**

Tribunal Member:

H Forbes (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the application should be rejected on the basis that the application is frivolous in terms of Rule 8(1)(a) of the Procedural Rules, and the Tribunal has good reason to believe it would not be appropriate to accept the application in terms of Rule 8(1)(c) of the Procedural Rules.

Background

1. The application was received by the Tribunal under Rule 109 on 8th July 2025 with associated documents. The Applicant sought an eviction order.
2. Further documents were sought repeatedly from the Applicant representative, including a valid notice to leave.
3. The Applicant representative lodged further documents including a copy of a letter dated 2nd June 2025 sent to the tenant.
4. By email dated 13th January 2026, the Applicant representative was informed that the letter of 2nd June 2025 was invalid as it was not in the correct format for a notice to leave, as required by the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act"). The Applicant representative was invited to withdraw the application by 27th January 2026, failing which it was likely

that a rejection decision would be issued. The Applicant representative did not respond to the email.

Decision

5. The Tribunal considered the application in terms of Rule 8 of the Chamber 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;·

(c) they have good reason to believe that it would not be appropriate to accept the application;

(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. On consideration of the above test, the Tribunal considers that this application is frivolous, misconceived and has no prospect of success. The Tribunal also determined that the application should be rejected in terms of Rule 8(c) on the basis that there is good reason to believe it would not be appropriate to accept the application.

Reasons for Decision

7. Section 62 of the 2016 Act provides that a notice to leave must be in writing and specify the day on which the landlord expects to become entitled to make an application for an eviction order. It must also state the eviction ground or grounds and fulfil any other requirements prescribed by Scottish Ministers in regulations.
8. The letter of 2nd June 2025 is in writing and specifies a date when the tenant must leave the premises. The letter does not state the eviction ground or grounds. The letter is not in the required form and does not fulfil the requirements prescribed by Scottish Ministers in regulations.
9. In terms of Rule 109, the Applicant must include a copy of the notice to leave given to the tenant as required under section 52(3) of the 2016 Act. The letter

provided to the tenant is not a valid notice to leave. The application cannot be accepted in these circumstances.

10. The application is frivolous and there is good reason to believe it would not be appropriate to accept the application. The application is rejected.

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.

Helen Forbes

Legal Member/Chair

17th February 2026
Date