



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/25/4010

Re: Property at 7 1/L Glebe Street, Saltcoats, KA21 5LN ("the Property")

Parties:

Ms Margaret Gillies, 5 Springvale Place, Saltcoats, KA21 5LS ("the Applicant")

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

Decision

The Legal Member determined there is good reason to believe that it would not be appropriate to accept this application received by it on 17 September 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 17 September 2025. It was submitted by the Applicant's representative, Rentolease.
- 2 In terms of Rule 5(2) of the Rules, a Legal Member of the Tribunal 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 Applicants' represented by email on 21 October 2025 in the following terms:-

"A Legal Member of the Tribunal with delegated powers of the President has considered your application and requests the following further information to allow the application to proceed:

1. Please submit a letter of authority from Ms. Gilles authorising you to act on her behalf.
2. There appears to be no record of this Property or Landlord on the Landlord Registration register. Please comment and provide evidence of registration.
3. Please provide evidence of issue of the Notice to Leave to the tenant. The tenancy agreement sets out that this should be by email.
4. The Land Register shows the title to the Property to be in the name of Cunningham Housing Association Limited. Please comment and provide evidence of the Applicant's ownership or entitlement to lease the Property.

Please reply to this office with the necessary information by 20 November 2025. If we do not hear from you within this time, the President may decide to reject the application."

- 4 On 3 December 2025 the Tribunal received an email from the Applicant's representative advising that they were awaiting information from the Applicant.
- 5 On 15 December 2025 the Tribunal received an email from CHAP on behalf of the tenant of the property, advising that the tenant had secured alternative accommodation.
- 6 On 22 December 2025 the Tribunal wrote to the Applicant's representative in the following terms:-

"Your applications have been further reviewed by a legal member of the First-tier Tribunal with delegated powers of the Chamber President.

It is noted that you have failed to provide the further information originally requested by email dated 21 October 2025.

We can also advise you that the tribunal has received an e-mail from a representative acting on behalf of the proposed respondent indicating that the respondent has now vacated the property and has accepted a tenancy elsewhere. If that is the case, please confirm whether you now wish to withdraw this application.

*We now write to advise you that if you fail to respond **within the next three weeks** the tribunal will have no option but to reject your applications.*

You should be aware that the Tribunal has the power to reject applications on grounds set out in rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations."

- 7 No response has been received from the Applicant, nor their representative, as at the date of this decision.

Reasons for decision

- 8 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*”.
- 9 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 Applicant has failed to provide all documents required for an application under Rule 109. The Tribunal has written to the Applicant’s representative on two occasions requesting further information. The Applicant has accordingly been given the opportunity to address the outstanding matters.
- 10 The Legal Member further notes that the tenant of the property appears to have secured alternative accommodation, which may provide an explanation for the Applicant’s lack of response.
- 11 The Legal Member has therefore concluded that there is good reason to reject the application under Rule 8(1)(c) for the reasons set out above.

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

4 February 2026

Legal Member/Chair

Date