



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/25/2595

Re: Property at 3/2 404 Victoria Road, Glasgow, G42 8YS (“the Property”)

Parties:

Ms Susan O'Connor, 12 Jedburgh Avenue, Glasgow, G73 3EW (“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 16 June 2025.

The Legal Member therefore rejects the application under Rule 8(1)(c) of the Rules.

Background

- 1 This is an application under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) and rule 109 of the Rules. The Applicant sought an eviction order against the tenants of the property. The application was received on 16 June 2025 and acknowledged on 17 June 2025.
- 2 The Applicant advised that there were two pending applications already before the Tribunal involving the same parties and same tenancy, which were scheduled for an evidential hearing on 17 July 2025. The Applicant requested that this application be conjoined with those applications and heard together.
- 3 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.
- 4 Following said review, the Tribunal wrote to the Applicant by email on 17 July 2025 advising that the application had only reached a Legal Member of the

Tribunal on 14 July 2025. It was too late to process the application and have it served before the hearing in the other applications. The Tribunal asked the Applicant to confirm, after she had received a determination following the hearing on 17 July 2025, if she still wished to proceed with the application.

- 5 On 29 July 2025 the Applicant emailed the Tribunal to explain that she was awaiting a decision following the hearing on 17 July 2025.
- 6 On 5 September 2025 the Applicant emailed the Tribunal to advise that she wished *“to retain this application in this system, as the payment order for the arrears granted does not cover the total amount of the arrears now owing”*.
- 7 On 10 September 2025 the Tribunal wrote to the Applicant by email in the following terms:-

“It is not clear what you mean when you refer to the previous payment order not covering all of the arrears. This application is for an eviction order based on rent arrears. If you wish to seek a further payment order then a separate application in terms of Rule 111 will be required.

Please confirm if you wish this application for an eviction order to proceed. If it is to proceed please provide

- 1. An up to date rent statement that shows the rent due, the payments made and the running monthly total outstanding for the whole period of the arrears.*
- 2. Evidence of compliance with the rent arrears pre action protocol.*
- 3. Evidence of landlord registration.*

Please reply to this office with the necessary information by 24 September 2025. If we do not hear from you within this time, the President may decide to reject the application.”

- 8 The Applicant did not respond to the Tribunal’s email of 10 September 2025. On 30 October 2025 the Tribunal wrote again to the Applicant by email requesting that she confirm as a matter of urgency the issues raised in the email of 10 September 2025 and advise explicitly if she wished to continue with the application or whether she wished to withdraw it. Having received no response from the Applicant, the Tribunal wrote to her again on 9 December 2025 requesting she provide the information within the next two weeks or her application would be rejected.
- 9 The Tribunal has received no response from the Applicant as at the date of this decision.

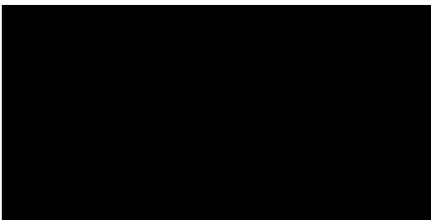
Reasons for decision

- 10 The Legal Member has determined that the application should be rejected in terms of rule 8(1)(c) of the 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”*.

- 11 The basis of the decision is the Applicant's failure to respond to the Tribunal's emails of 10 September, 30 October, and 9 December 2025. 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 does not comply with the requirements for an application under rule 109 of the Rules in its current form. The Applicant has been asked for further information on three occasions. She has therefore been given the opportunity to address the outstanding matters.
- 12 In view of the lack of response, and the terms of the Applicant's email of 5 September 2025, the Legal Member can reasonably assume that the Applicant no longer wishes to proceed with this application. The Legal Member has therefore concluded that this constitutes good reason to reject the application under rule 8(1)(c) of the Rules.

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.



11 February 2026

Legal Member/Chair

Date