



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/25/4681

Re: Property at 70 Ardencaple Quadrant, Helensburgh, G84 8DR ("the Property")

Parties:

Mr Iain MacGregor, Mrs Janet MacGregor, 68 Kelvin Court, Glasgow, G12 0AG ("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 3 November 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 66 of the Rules and section 33 of the Housing (Scotland) Act 1988. The application was received by the Tribunal on 3 November 2025. It was submitted by the Applicant's representative, Cannons Law Practice LLP.
- 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 Applicant's representative by email on 21 November 2025 in the following terms:-

"Your application has been reviewed by a legal member of the First-tier Tribunal with delegated powers of the Chamber President, who has raised the following matters:

- Your application seeks an eviction order on the basis that the tenancy is a short-assured tenancy. The initial tenancy bears to run from 30 September 2014 to 30 September 2019 and monthly thereafter.
- In the notice to quit which has been provided, it is indicated that the tenant requires to quit the premises by 23 July 2025. Does the notice to quit specify a removal date which is an “ish” or end date of the tenancy? If not, on what basis is the purported notice effective and valid in law?
- Please provide evidence of the manner of service of the notice to quit and the section 33 notice, together with proof of delivery to each of the joint tenants individually. Please bear in mind the provisions of Section 54 of the Housing (Scotland) Act 1988.
- You have provided a copy of the notice which is required to be given to the local authority under section 11(3) of the Homelessness etc. (Scotland) Act 2003. Please provide evidence of the method and date on which that was given to the local authority.

Upon receipt of the above information, a final decision can then be taken on whether the application is valid and whether it should be accepted and referred to the tribunal for full determination.

Please reply to this office with the necessary information by 5 December 2025. If you fail to respond to this letter then the tribunal may reject your application. 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 2017.”

4 The Tribunal received no response from the Applicant's representative. On 24 December 2025 the Tribunal wrote to the Applicant's representative again in the following terms:-

“We refer to the Tribunal's request for information dated 21 November 2025. We do not appear to have received a response from you.

Your application cannot progress further without this information. If you fail to provide a response, it is likely that your application will be rejected.

We will allow you a final opportunity to provide the information. Please reply by 7 January 2026.”

5 No response has been received from the Applicant's representative, nor the Applicant, 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 Applicant has failed to provide all documents required for an application under Rule 66. The Applicant has also failed to address the defects in the notice to quit identified by the Tribunal. 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.
- 8 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

29 January 2026

Legal Member/Chair

Date