



**DECISION AND STATEMENT OF REASONS OF MELANIE BARBOUR, 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 Procedural Rules")**

**in connection with**

Case reference FTS/HPC/EV/25/4231

**Parties**

**Farrel Bassindale (Applicant)**

**Josh McCallum (Respondent)**

**Ground Floor Flat 3, Law Brae, West Kilbride, KA23 9DD (House)**

1. On 24 September 2025, an application was received from the applicant. The application was made under Rule 109 of the Procedural Rules. The applicant sought an order for eviction.
2. By letters from the Tribunal dated 28 November 2025 and 12 January 2026 the Tribunal requested further information. The applicant has not responded to the Tribunal's information requests at all.
3. As of 23 February 2026, the following matters remain outstanding,

*1. Please submit a copy of the tenancy agreement.*

2. *It appears from the Notice to Leave that there may be more than one tenant but the application is only directed against one individual. If there are joint tenants then the application against only one tenant would not be a valid application.*
3. *The notice to leave appears to be invalid. it is based, among other grounds on ground 1 and thus would require a notice period of 84 days. Please make representations as to why you consider this could be deemed valid.*
4. *Please also provide evidence of when the recorded delivery letter was received by the tenant.*
5. *You have not provided a S 11 notice and proof how and when this was given to the local authority. Please do so now. S 56 (2) provides that this notice is to be given in the manner and form under section 11 (3) of the Homelessness etc (Scotland) Act 2003. The requirements of such a notice is set out in Regulation 2 and Schedule 1 of The Notice to Local Authorities (Scotland) Regulations 2008 as amended by The Notice to Local Authorities (Scotland) Amendment Regulations 2017. Schedule 1 of the 2008 regulations sets out the format of the form that has to be used. Such a form has not been included in the application documents. Without this the application cannot proceed.*
6. *Please provide evidence of your landlord registration at the relevant time.*
7. *You must provide evidence of the grounds applying. Please provide a rent statement in the following format: date – rent due – rent paid – running total of balance.*
8. *Please also provide evidence of antisocial behaviour and breach of the tenancy conditions.*
9. *You have included ground 14 in the application but not indicated this on the Notice to Leave. Please note that any decision on the inclusion of such a ground under S 52 (5) of the Private Housing (Tenancies) (Scotland) Act 2016 would have to be made at a case management discussion if the case proceeds. Please make representations as to why the ground was not indicated on the list of grounds in the Notice to Leave.*

## **DECISION**

4. I considered the application in terms of Rule 8 of the 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.
- (b) the dispute to which the application relates has been resolved;
- (c) they have good reason to believe that it would not be appropriate to accept the application;
- (d) they consider that the application is being made for a purpose other than a purpose specified in the application; or
- (e) the applicant has previously made an identical or substantially similar application and in the opinion of the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, there has been no significant change in any material considerations since the identical or substantially similar application was determined.

(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."

5. After consideration of the application, the attachments and correspondence from the applicant, I consider that the application should be rejected on the basis that I have good reason to believe that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Procedural Rules.

## **REASONS FOR DECISION**

6. The Tribunal had requested further information to support this application from the applicant. The applicant has not provided the information requested.
7. The applicant's failure to provide the requested information to support the application gives me good reason to believe that it would not be appropriate to accept the application, in circumstances where the applicant is apparently unable to do so in order to progress this application under rule 109. Put simply, the applicant has not provided the information required to support an application for eviction against the respondent.
8. Accordingly, for this reason the application must be rejected upon the basis that I have good reason to believe that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Procedural Rules.

## **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.

Melanie Barbour

Legal Member

23 February 2026