



**DECISION AND STATEMENT OF REASONS OF PETRA HENNIG MCFATRIDGE 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/25/4774

**Parties**

**Mr Martin Rennie (Applicant)**

**KnightBain Lettings Limited (Applicant's Representative)**

**16 Millbank Place, Uphall, West Lothian, EH52 5DU (House)**

1. On 5.11.25 the First –tier Tribunal for Scotland, Housing and Property Chamber (FTT) received an application for an order for possession under Rule 65 of the Procedural Rules and s 18 of the Housing (Scotland) Act 1988. It mentioned as the ground for the application “s 33 Route”.
2. In the course of further correspondence the following documents were provided by the applicant:
  - a) a tenancy agreement dated 27.6.14.
  - b) a notice to quit dated 15.7.25 and a S 33 notice dated the same date, both

advising that the tenant should remove on or before 928.9.25

c) a s 11 notice

d) an AT5 notice.

Neither the S 11 notice nor the Notice to Quit and S 33 notices were accompanied by any evidence as to how they had been served on the tenant or given to the local authority.

3. On 26.11.25 the FTT requested the following information from the applicant: Thank you for your recent application which has been reviewed by a Legal Member of the Tribunal with delegated powers of the President. Please provide the following further information : 1. Title to the property is held by the Applicant and Susan Patricia Rennie. Please provide the consent of Ms Rennie to the application being made in the sole name of the Applicant. 2. Please provide a mandate from the Applicant confirming your authority to act. 3. The application is made under rule 65 but is based on a section 33 notice. The appropriate rule is rule 66. Please lodge an amended application. 4. Please provide evidence that the section 11 notice was sent to the local authority such as the covering email. 5. Please provide the royal mail proof of delivery of the notice to quit and section 33 notice. Please reply to this office with the necessary information by 10 December 2025. If we do not hear from you within this time, the President may decide to reject the application.
4. There was no reply.
5. On 5.1.26 the FTT wrote to the applicant in the following terms: The Tribunal notes that you have not replied to the request for information sent by email on 26th November 2025. The Tribunal is prepared to provide you with a further 14 days to reply, or to tell the Tribunal that you are withdrawing the application. Please let us hear from you within the timescale. Please reply to this office with the necessary information by 21 January 2026. If we do not hear from you within this time, the President may decide to reject the application.
6. No reply has been received.
7. The documents contained in the case file are referred to for their terms and held to be incorporated herein.

## **DECISION**

8. 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."*

9. After consideration of the application, the attachments and correspondence from the Applicant, I consider that the application should be rejected in terms of Rule 8 (c) of the Rules of Procedure on the basis as the Tribunal has good reason to believe that it would not be appropriate to accept the application.

## **REASONS FOR DECISION**

10. The application is made in terms of Rule 65 of the Rules of Procedure. This relates to orders for possession in relation to assured tenancies under S 18 (1) of the Housing (Scotland) Act 1988.
11. The applicant has not provided an AT6 document.
12. The applicant has provided a S 11 notice but no confirmation when and how this was given to the local authority.

13. Rule 65 requires the lodging of a Notice to Quit with the application. The applicant has provided a Notice to Quit but no evidence that this was served to and received by the respondent.
14. The application does not provide the required information in terms of rule 65 as to the possession grounds which apply as set out in schedule 5 of the 1988 Act.
15. The application thus does not comply with the lodging requirements stated in rule 65 a (iv) and 65 (b) (ii), (iii) and (v) of the Rules of Procedure.
16. The applicant was explicitly asked whether he wished to amend the rule under which the application was made but did not do so.
17. Even if the application was considered under rule 66, which would be the relevant rule for proceedings under S 33 of the 1988 Act, the application would not be complete as the evidence of service of the S 33 notice and Notice to Quit on the Respondent is not provided, the S 11 notice confirmation of sending is not provided.
18. The applicant has not replied to repeated requests by the FTT for further information and appears to have abandoned the application.
19. For the reasons stated above it would not be appropriate for the Tribunal to accept the application as this does not fulfill the lodging requirements of a valid application.

### **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.**

**Petra Hennig-  
McFatridge**

Petra Hennig McFatridge  
Legal Member  
13 February 2026