

Decision with Statement of Reasons of H Forbes, Legal Member of the First-tier Tribunal with delegated powers of the Chamber President of the First-tier Tribunal for Scotland (Housing and Property Chamber)

Under Rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules")

Chamber Ref: FTS/HPC/EV/26/0220

Re: 80D Titchfield Road, Troon, KA10 6BY ("the Property")

Parties:

Angela Cassidy ("the Applicant")

Glow Homes Letting & Sales Ltd ("the Applicant representative")

Tribunal Member:

H Forbes (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the application should be rejected on the basis that the application is frivolous in terms of Rule 8(1)(a) of the Procedural Rules, and the Tribunal has good reason to believe it would not be appropriate to accept the application in terms of Rule 8(1)(c) of the Procedural Rules.

Background

1. The application was received by the Tribunal under Rule 66 on 15th January 2026 with associated documents.
2. The application was considered by a Legal Member with the delegated authority of the Chamber President. Further documentation was requested from the Applicant repeatedly. The Applicant failed to provide the documentation sought.
3. The Applicant was informed by correspondence dated 1st April 2026 that a failure to provide the requested documentation by 30th April 2026 was likely to result in rejection of the application. No response was received.

Decision

4. The Tribunal considered the application in terms of Rule 8 of the Chamber 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;

(c) they have good reason to believe that it would not be appropriate to accept the application;

(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. On consideration of the above test, the Tribunal considers that this application is frivolous, misconceived and has no prospect of success. The Tribunal also determined that the application should be rejected in terms of Rule 8(c) on the basis that there is good reason to believe it would not be appropriate to accept the application.

Reasons for Decision

6. The Applicant representative stated that this was an application under Rule 66, but failed to lodge a Form AT5 as required in order to constitute a short assured tenancy in terms of Section 32(1)(b) of the Housing (Scotland) Act 1988 ("the 1988 Act"). In terms of Rule 66 of the Procedural Rules, an application cannot be accepted without a Form AT5.
7. It is also noted that the notice to quit and section 33 notice were served by email, which is not a recognised method of service in terms of section 54 of the 1988 Act.
8. The application is frivolous and there is good reason to believe it would not be appropriate to accept the application. The application is rejected.

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.

H Forbes

Legal Member/Chair

12th May 2026
Date