



Decision and statement of Reasons of the First Tier Tribunal (Housing and Property Chamber)

Under Rule 8 of the First Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ‘the Rules’.

In respect of application by Simon Cheyne in terms of rule 109 of the Rules.

Case reference FTS/HPC/EV/25/4905

At Glasgow on the 29 April 2026, Lesley Anne Ward, legal member of the First –Tier Tribunal ‘the Tribunal’ with delegated powers of the Chamber President, rejected the above application in terms of Rule 8(1)(c) of the Rules

1. This is an application by Simon Cheyne, for eviction, in terms of rule 109 of the Rules. The application was made on 14 November 2025.

2. The in-house convenor reviewed the application and the Tribunal wrote to the applicant 8 December 2025 as follows:
 - (1) Please provide an amended application which is signed and dated and has the eviction grounds provided in part 5.
 - (2) Please provide the section 11 notice on the local authority and proof of service of this.
 - (3) The notice to leave appears to be invalid. It does not comply with schedule 5 of the Notices and Forms Regulations 2017. Please provide your submission on the validity of the notice to leave in the circumstances or alternatively please conform you wish to withdraw the application and reserve the notice in the correct form.
 - (4) Further, even if the notice to leave was in the correct form, it is incomplete as you have not given any information regarding the proposed refurbishment. Please provide your submission on the validity of the notice in the circumstances.

- (5) Please provide evidence of the eviction ground and amend the application to give details of the work proposed.
- (6) Please amend the application to include the joint owner or alternatively provide your written authorisation from the joint owner to let the property and make this application in your sole name. Please note that if you fail to respond the application may be rejected. If you do respond within this timescale it is also likely that the application will be rejected in the absence of a valid notice to leave. You may wish to seek legal advice regarding this matter. Please reply to this notice with the necessary information by 22 December 2025. If we do not hear from you within this time, the President may decide to reject the application.

3. The applicant responded on 23 December 2025 as follows:

Please see attached notice to leave dated 15th August 2025 which was not met and also the signed form E (the reasons for eviction are already stated on section 5 unless further details are required) In addition, The tenant has requested to be evicted ASAP for his own reasons (text messages etc can be sent if required) Please also see attached document confirming Joint owner Clare Cheyne agrees to progression.

4. The tribunal sent a further request for information on 30 January 2026 as follows:

- (1) The application has to be submitted with a valid notice to leave with evidence showing how and when it was given to the tenant. The document you have lodged is not in the prescribed format and does not appear to comply with the legislation. Please clarify the basis upon which the application can proceed.
- (2) If the application is to proceed you require to provide a copy of the section 11 notice with evidence that it was sent to the Local Authority and evidence in relation to ground 3, such as a copy of the contract with the contractor who is to do the work. The application cannot be accepted without these documents. You may wish to take legal advice before you respond.

5. The applicant did not respond. A reminder was sent on 14 March 2026 and there has been no response.

6. I have reviewed this application today and I have decided to reject it. In terms of Rule 8(c) of the rules I have good reason to consider that it would not be appropriate to accept this application as the application is incomplete. The applicant has failed to provide a valid notice to leave and section 11 notice and has failed to respond to a reasonable request by the Tribunal for information, and a reminder. It is open to the applicant to resubmit the application with the correct supporting information.

NOTE: What you should do now.

If you accept this decision there is no need to reply.

If you disagree with this decision you should note the following:

An Applicant aggrieved by this 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 seek permission to appeal within 30 days of the date the decision was sent them. Information about the appeal procedure can be forwarded on request.

Lesley Anne Ward

Legal Member