



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/26/0137

Re: 84 Sandhaven, Dunoon, PA23 8QW ("the Property")

Parties:

Select Properties Scotland Ltd. ("the Applicant")

Stuart Robertson, S&C Robertson Lifestyle Protection and Mortgages 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 form was received by the Tribunal under Rule 109 on 12th January 2026 with associated documents.
2. The application was considered by a Legal Member with the delegated authority of the Chamber President. Further information was requested from the Applicant Representative. A partial response was provided. The Applicant Representative was approached on two further occasions with a request for a section 11 notice as required under section 56(1) of the Private Housing (Tenancies) (Scotland) Act 2016 ("the Act"). The Applicant Representative indicated that they did not understand the request.

3. The Applicant Representative failed to provide the information sought, despite repeated requests.
4. The Applicant Representative was informed by email dated 25th April 2026 that a failure to provide the requested information by 9th May 2026 was likely to result in rejection of the application. No response was received.

Decision

5. 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."

6. On consideration of the above test, the Tribunal considers that this application is frivolous, and there is good reason to believe it would not be appropriate to accept the application.

Reasons for Decision

7. Section 56(1) of the Act provides that a landlord may not make an application to the Tribunal for an eviction order unless the landlord has given notice of the landlord's intention to do so to the local authority in the prescribed manner. The Applicant Representative does not appear to have given the required notice to the local authority; therefore, the application cannot be accepted.
8. Rule 109 requires that an application be accompanied by a copy of the notice given to the local authority as required under section 56(1) of the Act.

9. The Applicant Representative has failed to provide this documentation despite being afforded repeated opportunities to do so.
10. The application is frivolous and 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

2nd June 2026
Date