



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 Mr Iain MacIver in terms of rule 65 of the Rules.

Case reference FTS/HPC/EV/26/1330

At Glasgow on the 27 May 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) a) and (c) of the Rules

1. This is an application by Mr Iain MacIver for eviction in terms of rule 65 of the Rules. The application was made on his behalf by Mr Kenneth MacIver, dated 20 March 2026 and received by the Tribunal on the 25 March 2026.
2. The application was incomplete and the Tribunal wrote to the applicant’s representative on 30 April 2026 as follows:

The application has been submitted with a Notice to leave. However, that is not a valid notice for an assured tenancy which started before 1 December 2017.

If the application is to proceed under Rule 65 please provide the following

- (1) An amended application form which specifies grounds under the 1988 Act. It is not a ground for possession of an assured tenancy that the landlord intends to sell.
- (2) A copy of the Notice to Quit and AT6 which were served on the Respondent, with evidence of service.
- (3) A copy of the section 11 notice with evidence that it was sent to the Local Authority.
- (4) Evidence in support of the eviction grounds.

Please reply to this office with the necessary information by 14 May 2026. If we do not hear from you within this time, the President may decide to reject the application.

3. The applicant's representative replied on 6 May 2026 as follows:

A new Notice to Leave and AT6 is being sent to the tenant and I will contact you again with an amended application form etc once the notice period has expired.

4. Rule 8(1)(a) of the Rules allows an application to be rejected by the Chamber President if ***“they consider that an application is vexatious or frivolous”***.

5. *“Frivolous”* in the context of legal proceedings is defined by Lord Justice Bingham in R-v- North West Suffolk (Mildenhall) Magistrates Court (1998) Env.L.R.9. At page 16 he states:- *“What the expression means in this context is, in my view, that the court considers the application to be futile, misconceived, hopeless or academic”*.

6. I consider that this application is frivolous or vexatious and has no reasonable prospect of success. The application is premature. The applicant has served a new AT6 since the application has been made and it has not expired. The application cannot be made until the AT6 has expired.

7. Further, in terms of Rule 8 (1) (c) of the rules I have good reason to consider that it would not be appropriate to accept this application as the applicant's representative has referred to service of a Notice to leave which is erroneous as Notices to Leave are only application to Private Residential Tenancies (which came into force on 1 December 2027) and the tenancy agreement provided with this application is from 2016. The application is also incomplete as there is no section 11 notice, notice to quit or evidence in support of the eviction ground. These have been requested and not provided. It is open to the applicant to resubmit the application at the correct time and 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