



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 8(1)(c) of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”)

Chamber Ref: FTS/HPC/EV/26/0460

Re: Property at 71 Rylands Road, Dunblane, FK15 0HN (“the Property”)

Parties:

Mr Adam Carter, 2 Argyle Gardens, Lennoxton, G66 7BX (“the Applicant”)

Tribunal Members: Ruth O’Hare, Legal Member, with delegated powers from the Chamber President

Decision

The Legal Member determined that there is good reason to believe that it would not be appropriate to accept this application received by the Tribunal on 30 January 2026.

The Legal Member therefore rejects the application under Rule 8(1)(c) of the Rules.

Background

- 1 This is an application under section 18 of the Housing (Scotland) Act 1988 and rule 65 of the Rules. The Applicant sought an eviction order on the basis that a family member intended to live in the let property.
- 2 In terms of Rule 5(2) of the Rules, a Legal Member of the Tribunal with delegated powers from the Chamber President reviewed the application to assess whether it had been lodged in the required manner. Following said review the Tribunal wrote to the Applicant by email on 20 February 2026 in the following terms:-

“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. *It is noted in this case that the tenancy was a verbal agreement. The “notice to leave” lodged states that the tenancy began on 16 January 2014 which means it would be an assured or short assured tenancy under the Housing (Scotland) Act 1988. A notice to leave is the document used to terminate a private residential tenancy under the Private Housing (Tenancies)(Scotland) Act 2016. Tenancies under the 1988 Act may be terminated by service of a notice to quit plus a section 33 notice, if they are a short assured tenancy, or by service of an AT6. Please confirm whether a notice to quit or AT6 was also served and provide evidence of service.*

2. *Please provide all information that you can regarding the tenancy including the identity of the landlord and tenant, the monthly rent payable and the agreed term of the tenancy. It is suggested that you obtain legal advice.*

*Please reply to this office with the necessary information by **6 March 2026**. If we do not hear from you within this time, the President may decide to reject the application.”*

- 3 The Tribunal received no response from the Applicant. On 21 April 2026 the Tribunal sent a reminder to the Applicant requesting the information no later than 5 May 2026 failing which the application may be rejected.
- 4 No response has been received from the Applicant as at the date of this decision.

Reasons for decision

- 5 The Legal Member has determined that the application should be rejected in terms of Rule 8(1)(c) of the Rules, which states that an application must be rejected if the Tribunal has “*good reason to believe that it would not be appropriate to accept the application*”.
- 6 The basis of the decision is the Applicant’s failure to provide the information requested by the Tribunal under Rule 5(3) of the Rules. The application in its current form does not meet the requirements for an application under Rule 65. In particular, the Applicant has failed to provide the correct statutory notices and proof that these have been delivered to the tenant. The Applicant has been asked to provide this information on two occasions. He has been advised that the application may be rejected if he fails to respond. The Applicant has therefore been given the opportunity to address the outstanding matters.
- 7 The Legal Member has therefore determined, based on the Applicant’s failure to provide the information and cooperate with the Tribunal, that it would not be appropriate to accept the application. The application is therefore rejected under Rule 8(1)(c) of the Rules.

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.

Ruth O'Hare

8 June 2026

Legal Member/Chair

Date