



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/26/1069

Re: Property at 9 Springfield Gardens, Inverness, IV3 5SJ (“the Property”)

Parties:

MrsCarolyn Watt, Stalkers Cottage, Little Scatwell, By Contin, Strathpeffer, IV14 9EW (“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 10 March 2026.

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

Background

- 1 This is an application under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 and Rule 109 of the Rules. The Applicant sought an eviction order in relation to a private residential tenancy.
- 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 9 April 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. *Title to the property is in joint names. Please provide the consent of the joint applicant to the application being made.*
2. *Please provide evidence of landlord registration.*

3. *Please provide a full copy of the notice to leave, only pages 1 and 2 have been lodged.*
4. *Please provide evidence of service of the notice to leave such as the royal mail proof of delivery.*
5. *Please clarify which ground for eviction you wish to rely upon. In the notice to leave grounds 1, 3 and 4 have been ticked but each has “?” noted beside the ground.*
6. *Please provide evidence in support of the ground for eviction relied upon. If this is ground 1 that may include terms of engagement with a solicitor or estate agent regarding the sale of the property. If it is ground 3 that may include planning permission for the refurbishment or a contract for the works. If it is ground 4 that may include an affidavit from the Applicant confirming the intention to live in the property.*
7. *Please provide a copy of the section 11 notice sent to the local authority and evidence of it having been sent such as the covering email.*

Please reply to this office with the necessary information by 23 April 2026. If we do not hear from you within this time, the President may decide to reject the application.”

- 3 On 9 April 2026 the Tribunal received an email from the Applicant. In summary the Applicant outlined the impact of the situation on the tenant and the reasons for making the application. The Applicant apologised for the missing paperwork and advised that she would source everything requested and forward it on in due course.
- 4 On 18 April 2026 the Tribunal received a further email from the Applicant. The Applicant explained that the local authority had been in touch and a meeting was scheduled. The local authority had asked for the application to be put on hold.
- 5 On 20 May 2026 the Tribunal wrote again to the Applicant noting the outstanding information in terms of the Tribunal’s request dated 9 April 2026. The Tribunal advised that the application could not be put on hold. The Applicant was asked to provide the requested information or withdraw the application, and to do so by 3 June 2026, failing which the application may be rejected.
- 6 No further response has been received from the Applicant as at the date of this decision.

Reasons for decision

- 7 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”*.
- 8 Rule 109 is in the following terms:-

“Where a landlord makes an application under section 51(1) (for an eviction order) of the 2016 Act, the application must—

- (a) state—
- (i) the name, address and registration number (if any) of the landlord;
 - (ii) the name, address and profession of any representative of the landlord;
 - (iii) the name and address of the tenant; and
 - (iv) the ground or grounds for eviction;
- (b) be accompanied by—
- (i) evidence showing that the eviction ground or grounds has been met;
 - (ii) a copy of the notice to leave given to the tenant as required under section 52(3) of the 2016 Act; and
 - (iii) a copy of the notice given to the local authority as required under section 56(1) of the 2016 Act; and
 - (iv) a copy of Form BB (notice to the occupier) under schedule 6 of the Conveyancing and Feudal Reform (Scotland) Act 1970 (if applicable), and
- (c) be signed and dated by the landlord or a representative of the landlord.”

- 9 The basis of the decision is the Applicant’s failure to provide the information required for an application under Rule 109. The Applicant has been asked to provide the documents on two occasions. She has been advised that the application may be rejected if she does not respond. She has therefore been given the opportunity to address the outstanding matters. Furthermore, given the terms of the Applicant’s email of 18 April 2026, the Legal Member can reasonably conclude that the Applicant does not wish to progress the application at this time.
- 10 The Legal Member has therefore determined that, based on the Applicant’s failure to provide the information and cooperate with the Tribunal, it would not be appropriate to accept the application. The application does not in its current form comply with the mandatory requirements of Rule 109 and must therefore be 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.

R O'Hare

Legal Member/Chair

22nd June 2026

Date