

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of Karen Moore, 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 (Procedure) Regulations 2017 (“the Rules”)

Case reference FTS/HPC/EV/25/4917

Parties

Mr Michael Cashin (Applicant)

Nisbets Solicitors Limited (Applicant’s Agents)

74J High Street, Dunbar, EH42 1JH (House)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Application should be dismissed on the basis that it would not be appropriate to accept the Application in terms of Rule 8(1)(c) of the Rules.

Background

1. The Application was received by the Tribunal under Section 33 of the Housing (Scotland) Act 1988 ("the 1988 Act") and Rule 66 of the Rules on 14 November 2025.
2. The Application was considered by the Tribunal and, by email dated 9 December 2025, the Applicant's Agents were advised that there was a difficulty with Application, namely that the Notice to Quit did not terminate the contractual tenancy on an ish date. The Applicant's Agents were asked to consider this matter and give their views. They were asked that, if they agreed that the Notice to Quit did not terminate the contractual tenancy on an ish date, to withdraw the Application. Applicant's Agents were asked to respond by 23 December 2025 and were warned that failure to reply might mean that the Application might be rejected. The Applicant's Agents did not respond. A further email on the same point was issued to the Applicant's Agents on 11 February 2026 asking for a response by 25 February 2026. Again, the Applicant's Agents did not respond and have not made further contact with the Tribunal.

Reasons for Decision

3. 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."*
4. Rule 66 of the Rules provides that an Application for an eviction order must be accompanied by evidence that correct statutory processes have been carried out. In this case, the Applicant's Agents have failed to provide the required

documentation. The Tribunal cannot grant the Application without this information.

5. The Tribunal consider that there is good reason why the Application cannot be accepted. Accordingly, 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.

Legal Member

Date

25 June 2026