



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/25/5513

Re: Property at 4 Watson Avenue, Linwood, Paisley, PA3 3HE (“the Property”)

Parties:

MR TERENCE FEENEY, 9 NAPIER STREET, LINWOOD, RENFREWSHIRE, PA3 3AJ (“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 23 December 2025.

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 in relation to an assured 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 28 January 2026 in the following terms:-

“Before a decision can be made, we need you to provide us with the following:

1. *Please consider what application you wish to make. On the application form, you have ticked rule 65, but provided documents to support an application under rule 66 (a notice to quit and section 33 notice). Please amend the application if you are seeking an order under rule 66.*
2. *If you are seeking an eviction order under rule 66, please provide a copy of the AT5 Form which was provided to the tenants prior to the lease being entered into, to show that the tenancy created is a short assured tenancy.*
3. *If you are seeking an order for eviction under rule 65, then you need to provide a copy of an AT6 Notice which you serve before you bring eviction proceedings, giving them notice of the ground of eviction you wish to rely on. Together with evidence to support the ground for referral.*
4. *Please provide evidence of service of the notice to quit and section 33 notice.*
5. *Please provide a copy of the section 11 notice you have to send to the local authority together with evidence of service.*
6. *The title deeds show that you own the property with Gillian Feeney, please either add her as a second applicant or provide written confirmation from her that she is content for you to bring these proceedings alone.*

You may wish to consider seeking legal advice about what you require to submit to support your application.

Please reply to this email within 14 days otherwise your application may be rejected.

*Please reply to this office with the necessary information by **11 February 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 14 March 2026 and 12 May 2026, the Tribunal sent reminders to the Applicant requesting he provide the information otherwise 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 required for an application under Rule 65, and failure to clarify the exact nature of the application. In terms of Rule 5(3) of the Rules, the Chamber President or a Legal Member with delegated powers from the Chamber President, can request further documents from a party if an application does not meet the mandatory requirements for lodgement. The Applicant has been asked to provide further documents on three occasions. He has been advised that the application may be rejected if he does not respond. He has therefore been given the opportunity to address the outstanding matters.
- 7 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 65 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.

Karen Moore

22 June 2026

Legal Member/Chair

Date