



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/26/0352

Re: Property at 74 Marmion Pl, Greenfaulds, Cumbernauld, G67 4AP (“the Property”)

Parties:

Mr Manish Khanna, 2 Dullatur Rd, Cumbernauld, G68 0AF (“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 January 2026.

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

Background

- 1 This is an application under rule 109 of the Rules and section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Applicant sought an eviction order in respect of a private residential tenancy between the parties. The application was submitted by the Applicant’s representative, K Property, on his behalf.
- 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 requesting a copy of the notice to leave and evidence of the method of delivery on the tenant, a written mandate authorising K Property to act as the Applicant’s representative, and evidence to support the eviction ground. The Applicant was also asked to have regard to the relevant provisions of the 2016 Act in respect of joint tenancies as

there may be questions over whether the joint tenancy had been properly terminated.

- 3 On 23 February 2026 the Tribunal received an email from the Applicant's representative with a notice to leave and proof of service by email, a written mandate from the Applicant, and evidence in support of the eviction ground.
- 4 On 19 March 2026 the Tribunal wrote again to the Applicant's representative stating "*Although you have provided the notice to leave in relation to one of the joint tenants, a joint tenancy cannot be terminated unless all joint tenants have been served with the notice to leave. Unless you have served the notice to leave on the joint tenant, you may wish to withdraw the application so that you can serve a valid notice to leave on the joint tenants*". The Applicant's representative was encouraged to seek advice from a solicitor or housing advisory service before responding and was asked to reply no later than 2 April 2026 otherwise the application may be rejected.
- 5 The Tribunal received no response from the Applicant's representative. On 19 May 2026 the Tribunal wrote again to the Applicant's representative requesting a response to the email of 19 March 2026 no later than 2 June 2026 otherwise the application may be rejected.
- 6 No 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 The basis of the decision is the Applicant's failure to provide the information requested by the Tribunal which is required before the application can be accepted as valid. 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 via their representative has been asked to provide further information on two occasions. He has been advised that the application may be rejected in the absence of a response. He has therefore been given the opportunity to address the outstanding matters.
- 9 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 is therefore 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.

Ruth O'Hare

7 July 2026

Legal Member/Chair

Date