

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/25/5461

Re: Property at 69 Carfrae Drive, Glenrothes, KY6 1LY (“the Property”)

Parties:

Jema Investments pld limited, 217 Gorgie Road, Edinburgh, EH11 1TU (“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 19 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 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 27 January 2026 in the following terms:-

“A Legal Member of the Tribunal with delegated powers of the President has considered your application.

- 1. You have submitted two application forms, both against [redacted]. Please confirm if the joint tenant is to be added as joint Respondent.*

2. Please provide evidence showing how and when the Notice to leave was issued to the Respondents.
3. Please provide a copy of the section 11 notice with evidence that it was sent to the Local Authority.
4. Please provide evidence of compliance with the rent arrears pre action protocol.

Please respond within 14 days or your application may be rejected.

*Please reply to this office with the necessary information by **10 February 2026.***

- 3 On 27 January 2026 the Tribunal received an email from the Applicant. In summary the Applicant confirmed the position regarding the joint tenant and stated that the notice had been sent by recorded delivery but he would require to upload the receipt. He stated that he did not know about the section 11 notice and asked what evidence of compliance with the protocol he would need to provide.
- 4 On 24 February 2026 the Tribunal wrote again to the Respondent 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. *You have lodged two applications both of which name only [redacted] as respondent. Please confirm that you wish [redacted], the joint tenant, to be a second respondent.*
2. *Please provide the royal mail proof of delivery of the notice to leave.*
3. *As regards the rent arrears pre-action protocol, please provide a copy of any correspondence which you sent to the tenant regarding rent arrears before the notice to leave was served.*
4. *You are required to send a section 11 notice to the local authority in terms of the Homelessness etc (Scotland) Act 2003. This can be done now. Templates will be available on the local authority website.*

*Please reply to this office with the necessary information by **10 March 2026.** If we do not hear from you within this time, the President may decide to reject the application."*

- 5 The Tribunal received no response from the Applicant. On 27 April 2026 the Tribunal wrote again to the Applicant, noting the lack of response. The Applicant was advised that he would be given a final opportunity to provide the information and was asked to do so by 11 May 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 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.

- 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.

Ruth O'Hare

22 June 2026

Legal Member/Chair

Date