



Decision and statement of Reasons of the First Tier Tribunal (Housing and Property Chamber)

Under Rule 8 of the First Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ‘the Rules’.

In respect of application by Ms Allanna Speirs in terms of rule 109 of the Rules.

Case reference FTS/HPC/EV/26/1867

At Glasgow on the 5 August 2026, Lesley Anne Ward, legal member of the First –Tier Tribunal ‘the Tribunal’ with delegated powers of the Chamber President, rejected the above application in terms of Rule 8(1)(c) of the Rules

1. This is an application by Ms Allanna Speirs for eviction, in terms of rule 109 of the Rules. The application was made on her behalf by Miss Lesley-Ann Sturgeon, paralegal of Taylor and Henderson Solicitors. It was dated 27 April 2026 received by the Tribunal on 28 April 2026.
2. The in-house convenor reviewed the application and the Tribunal wrote to the applicant’s representative on 18 May 2026 seeking further information as follows:

A legal member of the First-tier Tribunal with delegated powers of the Chamber President considers that in order for the Tribunal to be able to process your application further the undernoted information /documentation is required:

- (1) Please provide the S 11 notice and proof when and how this was given to the local authority - without this the application will have to be rejected.
- (2) Please provide a copy of the actual Notice to Leave given to the tenant: the document you submitted is not signed and dated and does not indicate the ground of eviction in part 2.
- (3) Please provide the evidential link between the document delivered on 13.10.25 and the Notice to Leave.
- (4) Please provide evidence of the compliance with the Pre Action Requirements.
- (5) Please amend the application to show the correct postcode for the parties (you stated both have the same postcode which is unlikely since the applicant and respondent live at different addresses). Please provide the information no later than 1 June 2026. Upon receipt of the information a Legal Member will consider your response and may seek further information from you before a decision is made on whether your

application can proceed. In the absence of a response your application may be rejected without further notice.

3. The applicant's representative responded on 29 May 2026 as follows:

We refer to your email of 18th May and can advise that unfortunately we were not responsible for the service of the paperwork it was the letting agent so we are unaware if a S11 Notice was sent to the Local Authority. The only documents we have are the ones which were produced with application. We note that this was not signed or dated. We would be obliged if you could advise a Tribunal can go ahead or if the application will have to be rejected?

4. The tribunal sent a further detailed request for information to the applicant's representative on 25 June 2026 as follows:

Your further information has been assessed by a Legal Member of the Tribunal with the delegated authority of the Chamber President. The Legal Member has requested the following information or documentation:

- It is a matter for the Applicant to decide whether to proceed with the current notice to leave. We would normally expect to see a signed and dated notice, together with a posting receipt and the tracking report to show delivery. It seems unusual that the letting agent is unable to provide the Applicant with this further documentation upon request. If no further documentation is available, the Applicant should decide whether they wish to continue with the application based on the notice provided, and address the Tribunal further on this issue at the case management discussion if the application is accepted.
- As previously stated, the application cannot be accepted without a section 11 notice. If you are unable to obtain a copy from the letting agent, you should consider serving a new notice and provide us with a copy of the notice and evidence of service.
- Again, it is unusual that the letting agent is unable to provide the Applicant with copies of pre-action correspondence. An application can be accepted without this evidence, and a failure to comply with the pre-action protocol would be considered as part of the reasonableness of granting the order.
- As previously requested, please confirm the correct postcodes

5. The applicant's representative responded with two emails on 26 June 2026. The first was to clarify the postcodes for the applicant and for the property. The second was to advise that a section 11 notice was being served and this would be provided. No section 11 notice has been provided. No substantive response has been received to the outstanding matters raised by the Tribunal on 18 May 2026 and 25 June 2026.
6. I have reviewed this application today and I have decided to reject it. In terms of Rule 8(c) of the rules I have good reason to consider that it would not be appropriate to accept this application as the application is incomplete. The applicant's representative has failed to respond to two reasonable requests by the Tribunal for further information and has therefore failed to cooperate with the Tribunal in the execution of its duties. It is open to the applicant or her representative to resubmit the application with the correct supporting information, bearing in mind this must be done within 6 months of the expiry of any notice to leave being relied upon.

NOTE: What you should do now.

If you accept this decision there is no need to reply.

If you disagree with this decision you should note the following:

An Applicant aggrieved by this decision of the Chamber President or any legal member acting under delegated powers 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 seek permission to appeal within 30 days of the date the decision was sent them. Information about the appeal procedure can be forwarded on request.

Lesley Anne Ward

Legal Member