



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 Karen Paterson in terms of rule 109 of the Rules.

Case reference FTS/HPC/EV/26/2179

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 Karen Paterson for eviction, in terms of rule 109 of the Rules. It was dated 6 May 2026 received by the Tribunal on 15 May 2026.
2. The in-house convenor reviewed the application and the Tribunal wrote to the applicant on 4 June 2026 seeking further information as follows:

The legal member has identified a fundamental preliminary issue with your application regarding the notice to leave which requires to be addressed before your application can be given further consideration.

An application for an eviction order in relation to a private residential tenancy must be accompanied by a notice to leave that has been given to the tenant. A notice to leave must be in the form prescribed by schedule 5 of the Private Residential Tenancies (Prescribed Notices and Forms) (Scotland) Regulations 2017. The notice to leave you have produced is not in the correct form and some of the grounds are incorrect. Ground 13 is not the ground for breach of tenancy obligations for a private residential tenancy and ground 15 is not a ground for deterioration in the condition of the property.

If you have not given the tenant a notice to leave in the correct form prior to making the application, please confirm that you are withdrawing the application. You can then re submit the application once the correct notice has been given to the tenant. Alternatively, please provide your legal submissions as to why you believe the notice to leave you have produced can be accepted.

We would strongly encourage you to seek independent legal advice if you require guidance with your response. The Tribunal cannot provide advice as an independent judicial body but there are details of advice agencies available under the Useful Links section of our website. Please respond no later than 18 June 2026. In the absence of a response your application may be rejected by the Chamber President and a decision published on the Tribunal's website. If you require any further information, please contact us, quoting your reference number.

3. The applicant replied on that date seeking advice from the tribunal as to how to proceed. She did not provide a response to any of the matters raised.
4. The tribunal sent a further detailed request for information to the applicant on 25 June 2026 as follows:

It is noted that you have failed to provide the further information originally requested by email dated 4 June 2026. We now write to advise you that if you fail to respond within the next two weeks the tribunal will have no option but to reject your application. You should be aware that the Tribunal has the power to reject applications on grounds set out in rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations. Please reply to this office with the necessary information by 9 July 2026.

5. The applicant sent a further email on 29 June 2026, again seeking advice from the tribunal regarding her application. No substantive response has been received.
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 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 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