

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber), under Rule 8 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Case reference FTS/HPC/EV/26/1284

Parties

Mrs Jane Stafford (Applicant)

116B Bonnyton Road, Kilmarnock, East Ayrshire, KA1 2LZ (House)

Decision

At Glasgow on 28 July 2026, Mary-Claire Kelly a 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. By application dated 18 February 2026 the applicant sought an order for eviction in terms of section 33 of the Housing (Scotland) Act 1988. The application was submitted under rule 66.
2. The application was considered by the Tribunal. The following issues were noted with the application:
 - The application was incomplete as part 5 setting out the grounds for eviction had not been completed
 - No tenancy agreement had been submitted
 - No notice in terms of section 11 of the Homelessness Etc (Scotland) Act 2003 had been submitted
 - No evidence of service of a notice to quit was provided
 - No section 33 notice or proof of service of same had been provided.

3. The Tribunal wrote to the applicant on 25 April 2026 requesting the above documentation. The Tribunal advised the applicant that the information was required before a decision could be made on whether the application could proceed. A deadline for a response was set for 9 May 2026.
4. On 8 May 2026 the applicant emailed the Tribunal stating the applicant was waiting for the letting agency obtaining the necessary documents issued to the local authority.
5. On 10 June 2026 the Tribunal wrote to the applicant requesting the information within 14 days. The applicant was advised that if the information was not received the application may be rejected.
6. No response has been received from the applicant since the short email received on 9 May 2026.
7. Rule 66 provides that an application for an eviction order must be accompanied by evidence that correct statutory processes have been carried out. In this case, the applicant has failed to provide the required documentation. The Tribunal cannot grant the application without this information.
8. The Tribunal considered the application in terms of Rule 8 of the Chamber Procedural Rules. That Rule provides:-

Rejection of application

8.-(1) The Chamber President or another member of the First-tier Tribunal under the delegated powers of the Chamber President, must reject an application if- (a) they consider that the application is frivolous or vexatious;.... (c) they have good reason to believe that it would not be appropriate to accept the application

(2) Where the Chamber President, or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, makes a decision under paragraph (1) to reject an application the First-tier Tribunal must notify the applicant and the notification must state the reason for the decision.

9. The present application is incomplete. Documents necessary to establish the competency of the application have been requested and not provided. The applicant has failed to respond to reasonable requests by the Tribunal for further information. The applicant has failed to cooperate with the Tribunal in the execution of its duties.
10. The application is rejected as there is good reason to believe that it would not be appropriate to accept it.
11. It is open to the applicant to resubmit the application with the correct supporting information.

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.

Mary-Claire Kelly

28 July 2026 _____
Date

Legal Member
First-tier Tribunal for Scotland (Housing and Property Chamber)