



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/25/5092

Re: Property at 122 Kirkland Walk, Methil, Fife, KY8 2AG (“the Property”)

Parties:

Ms Tina Ramzi, Bennachie, Links Road, Leven, Fife, KY8 4HR (“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 reject the application received by the Tribunal on 26 November 2025.

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.
- 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 11 December 2025 requesting an amended Form E with the grounds for eviction specified therein, a copy of the tenancy agreement, a notice to leave and proof of delivery to the tenant, a section 11 notice and proof of delivery to the local authority, and evidence to support the grounds for eviction.
- 3 On 12 December 2025 the Tribunal received an email from the Applicant with various documents. On 12 January 2026 the Tribunal wrote to the Applicant in the following terms:-

"Your reply does not take matters any further forward. Whilst we note the explanation provided by you and the information provided by your solicitors, the position remains as set out in our email of 11 December 2025: an application for an eviction order must comply with the statutory requirements applicable to Rule 109 of the Tribunal Rules and the Private Housing (Tenancies) (Scotland) Act 2016.

As explained, you must proceed on a Ground set out in Schedule 3 to that Act. The amended form which you have submitted cites two Grounds, 9 and 1A. Ground 9 applies where the tenant is residing in supported accommodation which is no longer required and Ground 1A was repealed in March 2024. Neither Ground would appear to apply to your circumstances.

You must serve a Notice to Leave on the tenant. Regardless, of your circumstances the tenant must be given proper notice. If you have not served notice, your application cannot proceed.

As the ownership of the Property and the registered landlord is a limited company, you must evidence your entitlement to enter into the tenancy as an individual.

Recovery of possession of tenanted properties can be complex and you are strongly advised to take legal or specialist housing advice before proceeding further. The Tribunal cannot give you advice and can only point out the steps to be taken to ensure compliance. The Tribunal has no power to waive or vary them."

- 4 On 20 January 2026 the Tribunal received an email from the Applicant advising that she believed she had submitted all relevant paperwork. She asked for an extension to the period for providing further information. On 21 January 2026 the Tribunal emailed the Applicant asking her to provide the information no later than 28 February 2026.
- 5 On 25 February 2026 the Tribunal received a copy of a Form AT6 from the Applicant.
- 6 On 21 March 2026 the Tribunal wrote to the Applicant by email in the following terms:-

"A Legal Member of the Tribunal has further reviewed your application, following your further responses of 20 January 2026 and 25 February 2026, and noted the following:-

1. *You have still not amended the application to include a valid eviction ground. You seem to be stating in the AT6 Notice served on the tenant that you are using an eviction ground of 'intending to sell', but, from your application, it is clear that this is not your intention and that you are requiring to evict the tenant for other (personal) reasons. The Tribunal cannot accept such an application and it is now imperative that you seek your own legal advice in this matter.*

2. *The tenancy appears to be a Private Residential Tenancy (entered into in 2021) but an AT6 Notice is the notice required under earlier housing legislation, in respect of Assured Tenancies (before 2017). If you have not served a valid Notice to Leave on your tenant, this application would appear to be incompetent.*

You should seek advice and now consider withdrawing this application, serving a fresh valid notice and then submitting a fresh application once the fresh notice period has expired.”

- 7 On 25 March 2026 the Applicant emailed the Tribunal to advise that her position had changed and she would be selling the property herself. She confirmed that the tenant had been given the appropriate notice. She asked if any further information was required.

- 8 On 6 May 2026 the Tribunal wrote to the Applicant in the following terms:-

“We refer to your email of 25 March 2026 which has been considered by a legal member of the Tribunal.

The Tribunal cannot provide you with advice and assistance as we are an independent judicial body. We cannot therefore advise you on how to present a valid application. We can only state what information is required to comply with the mandatory requirements of rule 109.

You have still not provided the information required for a valid application under rule 109. Furthermore, we note that you state you have now sent the tenant a notice to leave.

You should therefore withdraw this application and re-submit the application with the notice to leave. You cannot rely on that notice to leave for this application if it was sent to the tenant after the application was submitted to the Tribunal.

Please therefore confirm that the application can be withdrawn otherwise it will have to be rejected and a decision published on the Tribunal’s website.

Again, we would strongly encourage you to seek advice from a solicitor or advice agency so that you can ensure you submit an application that complies with the mandatory requirements.

Please reply to this office with the necessary information by 20 May 2026. If we do not hear from you within this time, the President may decide to reject the application.”

- 9 The Tribunal received no response from the Applicant. On 19 June 2026 the Tribunal wrote again to the Applicant by email asking her to provide the information within 7 days otherwise her application would likely be rejected.

- 10 No response has been received from the Applicant as at the date of this decision.

Reasons for decision

- 11 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*”.
- 12 The basis of the decision is the Applicant’s failure to provide the information required under rule 109 of the Rules to establish a valid application. 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 has been asked to provide the required information on several occasions. She has therefore been given the opportunity to address the outstanding matters. Furthermore, it appears from the terms of her most recent email that she is unable to comply with the requirements for an application under rule 109 as she did not give the tenant a notice to leave prior to making the application.
- 13 The Legal Member has therefore determined that it would not be appropriate to accept the application as the Applicant has to date been unable to meet the mandatory requirements of lodgement under rule 109. 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.

29 July 2026

Legal Member/Chair

Date

Ruth O’Hare,

