

Housing and Property Chamber
First-tier Tribunal for Scotland



**DECISION AND STATEMENT OF REASONS OF PETRA HENNIG MCFATRIDGE LEGAL
MEMBER OF THE FIRST-TIER TRIBUNAL WITH DELEGATED POWERS OF THE CHAMBER
PRESIDENT**

Under Rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules
of Procedure 2017 ("the Procedural Rules")

in connection with

Case reference FTS/HPC/EV/26/2284

Parties

Mr Abdul Jabbar (Applicant)

Dunedin Property Management (Applicant's Representative)

37/7, Clovenstone Drive, Edinburgh, EH14 3BE (House)

1. On 20.5.26 the First Tier Tribunal for Scotland Housing and Property Chamber (FTT) received the application, which was made under rule 109, which relates to tenancies under the Private Housing (Tenancies) (Scotland) Act 2016 (the 2016 Act) and stated as the grounds applicable eviction grounds 11 and 13 of schedule 3 of the 2016 Act. The following documentation accompanied the application: two email tracking screenshots, one relating to correspondence dated 21.4.26 and the other 20.5.26 and neither disclosing if any attachments were attached, a PRT commencing 15.11.23 which did not state the email address of the tenant, a notice to leave dated 21.4.26

stating as the date when proceedings could be raised 19.5.26 and giving as the ground only ground 11 , a S 11 notice.

2. The FTT wrote to the Applicant on 19.6.26 raising the issues of the notice period being 3 days short, asking why another ground had been added without having been raised in the notice to leave, pointing out that the evidence did not show that the notice to leave had been served, asking for evidence that the grounds applied and asking for a reply within 14 days. No reply has been received.
3. The Applicant did not provide the information requested.
4. The file documents are referred to for their terms and held to be incorporated herein.

DECISION

5. I considered the application in terms of Rule 8 of the 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;

(b) the dispute to which the application relates has been resolved;

(c) they have good reason to believe that it would not be appropriate to accept the application;

(d) they consider that the application is being made for a purpose other than a purpose specified in the application; or

(e) the applicant has previously made an identical or substantially similar application and in the opinion of the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, there has been no significant change in any material considerations since the identical or substantially similar application was determined.

(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."

- 6. After consideration of the application, the attachments and correspondence from the Applicant, I consider that the application should be rejected in terms of Rule 8 (c) of the Rules of Procedure on the basis as the Tribunal has good reason to believe that it would not be appropriate to accept the application.**

REASONS FOR DECISION

1. The lodging requirements for an application under rule 109 (b) include the requirement to lodge (i) evidence that the 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, (iii) a copy of the notice given to the local authority under S 11 of the Homelessness (Scotland) Act 2003 as required in s 56 of the 2016 Act
2. The notice to leave in this case provides less than 28 days notice period and thus does not comply with the requirement of S 54 of the Act. Although this in itself would not lead to the application being rejected at this stage in terms of the UT decision *Halcrow v Davies* and *Hunter* 2025 UT 68, the non compliance would require at least an explanation.
3. However, there is actually no evidence that the notice to leave was served. The tenancy agreement provides a requirement in clause 4 that all communication must be served by either hard copy by personal delivery or recorded deliver or by email in the email addresses set out in clauses 2 and 1. In this case no email address for the tenant was stated in the PRT and thus the service would have to be by hard copy unless the Applicant can show that email service was agreed to a specific email address. No such evidence was provided and no evidence of hard copy service was provided.
4. There was no evidence to support either ground 11 or ground 13 and no explanation why ground 13 was added although not included in the notice to leave.
5. The above matters had been raised with the Applicant by the FTT and no reply was received. The Applicant has not further engaged with the application process. The Applicant had been advised that the application may be rejected in those circumstances.
6. It would not be appropriate for the Tribunal to accept an application which is incomplete and does not meet the lodging requirements in terms of rule 109 of the Procedure Rules and the requirements for a valid application stated in the 2016 Act as set out above.
7. The application is thus rejected.

What you should do now

If you accept the Legal Member's decision, there is no need to reply.

If you disagree with this decision:-

An applicant aggrieved by the 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 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. Information about the appeal procedure can be forwarded to you on request.

Petra Hennig McFatridge

Legal Member

18 August 2026