



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 Miss Eleanor Miller in terms of rule 111 of the Rules.

Case reference FTS/HPC/CV/26/0145

At Glasgow on the 26 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 Miss Eleanor Miller in terms of rule 111 of the Rules. The Application was made on her behalf by Miss Natalia Piekarska of Easylet Property Management and received by the tribunal on 13 January 2026. There was a second application for eviction which was subsequently withdrawn.
2. The inhouse convenor reviewed the applications, and the tribunal wrote to the applicant’s representative on 6 February 2026 seeking further information as follows:

A legal member of the Tribunal has reviewed your applications and has determined that the following information is required before your applications can progress further:

- (1) A written mandate from the applicant authorising you to act as her representative.
- (2) An amended Form E. Ground 8 is not a rent arrears ground for a private residential tenancy. Please amend section 5 to reflect a valid ground. You have included ground 12 in the notice to leave.

- (3) Evidence of the method of delivery of the notice of leave to the tenant, e.g. covering email or postal receipt and tracking information. If the notice to leave was personally delivered to the tenant please provide a signed statement from the person who delivered the notice confirming the circumstances in which this occurred.
 - (4) A section 11 notice and proof that this has been sent to the local authority, e.g. covering email or postal receipt. Please note a section 11 notice is not the same as a notice to leave. It is a specific notice that landlords must send to the local authority when making an application for an eviction order.
 - (5) A rent statement in a table with columns that show rent due date, rent due, payments received, and a running balance of arrears, dating back to when the arrears began to accrue.
 - (6) Evidence of the landlord's compliance with the rent arrears pre-action protocol.
Please read the above carefully and ensure you provide all of the information requested. Upon receipt of your response we may seek further information from you before a decision is made on whether the applications can proceed to a Tribunal for full determination.
3. The applicant's representative responded on 23 February 2026 by sending some information regarding the rent arrears and various other documents relating to the eviction application. The eviction application was withdrawn on 5 March 2026 on the basis that the tenant had vacated the property.
 4. The in-house convenor reviewed the application again and a further request for information was sent on 19 March 2026 as follows:
 - (1) We note that the eviction application has been withdrawn because the respondent has vacated the property. Please note that in relation to the remaining application for a payment order, we require an address for the respondent so that we can serve a copy of the application. If you do not have an address for him, you can apply to the tribunal for service by advertisement. Any such application must be accompanied by evidence of the efforts made to trace the respondent, such as a sheriff officer's report. You can find guidance about this on our website.
 - (2) Please provide a rent statement which has columns for the date, rent due, rent paid and a running total of arrears dating back to when arrears started.
 5. An application for service by advertisement was made but this was not accompanied by a trace report and the tribunal wrote to the applicant's representative on 7 May 2026 as follows:

A Legal Member of the Tribunal has further reviewed the application and noted that you have now submitted an application for Service by Way of Advertisement (SBA) on the Tribunal website. However, as previously advised, we require a negative trace report from a Sheriff Officer or other tracing agent in connection with the application for SBA. Emails to the Respondent requesting his forwarding address are not sufficient. Please instruct a trace report and submit this to the Tribunal within 28 days, or request an extension of time, if

required. Please reply to this office with the necessary information by 4 June 2026. If we do not hear from you within this time, the President may decide to reject the application.

6. The applicant's representative contacted the tribunal on 25 May 2026 to query the tribunal's request, but no substantive response was received.
7. The tribunal sent a reminder on 16 July 2026 and she has not responded.
8. The Tribunal President is obliged to reject an application in terms of Rule 8(c) if they have good reason to believe that it would not be appropriate to accept it. As things stand basic information to enable the application to proceed has not been provided. The applicant's representative has had several weeks to provide the negative trace report and has failed to do so. I therefore have good reason to consider that it would not be appropriate to accept this application as it is incomplete and the applicant's representative has failed to cooperate with the tribunal in the execution of its duties.

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 Ward

Lesley Anne Ward

Legal Member