



Decision with Statement of Reasons of Karen Moore, Legal Member of the First tier Tribunal with delegated powers of the Chamber President 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/26/2043

Parties

Mr Alistair John Russell (Applicant)

6 Canongate, East Kilbride, Glasgow, G74 3NX (House)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Application should be dismissed on the basis that it would not be appropriate to accept the Application in terms of Rule 8(1)(c) of the Rules.

Background

1. The Application was received by the Tribunal under Sections 18 and 19 of the Housing (Scotland) Act 1988 (“the 1988 Act”) and Rule 65 of the Rules on 8 May 2026.
2. The Application was considered by the Tribunal and, by email dated 2 June 2026, the Applicant was advised that there was a difficulty with Application, namely that it was incomplete and no supporting documentation other than a copy of a notice to leave and two covering letters had been submitted. The

Applicant was advised that the Application could not be considered until the Applicant provide a completed application and provided supporting documentation. The Applicant was advised further that intention to sell the let property is not a valid eviction ground for an assured tenancy under Rule 65 and was asked to consider if the Application ought to proceed under Rule 109 for a private residential tenancy. The Applicant was asked to submit an amended application with valid eviction grounds and all relevant supporting documentation in terms of Rules 65 or 109, the wording of which were underlined in the email by 16 June 2026 and was warned that failure to do so would likely mean that the Application would be rejected. Although the Applicant replied, he asked for guidance on how to proceed and did not submit an amended application with valid eviction grounds and supporting documentation in terms of Rules 65 or 109. By email dated 22 June 2026, the Applicant was reminded that he should submit an amended application with valid eviction grounds and supporting documentation and was advised to seek independent advice. Again, he was warned that failure to do so would likely mean that the Application would be rejected. Reminder emails were sent to the Applicant on 7 and 11 August 2026, each email warning that failure to reply would likely mean that Application would be rejected. No replies were received.

Reasons for Decision

3. 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."*
4. Rules 65 or 109 set out the documentation required to allow the Tribunal to accept applications. In this case, the Applicant has failed to submit a completed

application form and failed to provide the required documentation for either Rule 65 or Rule 109. The Tribunal cannot grant the Application without this information.

5. The Tribunal considers that there is good reason why the Application cannot be accepted. Accordingly, the Application is 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.

K. Moore

Legal Member

14 September 2026

Date