



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 Mrs Shaheda Iqbal in terms of rule 109 of the Rules.

Case reference FTS/HPC/EV/26/

At Glasgow on the 27 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) (a) and (c) of the Rules

1. This is an application by Mrs Shaeda Iqbal for eviction in terms of rule 109. The application was dated 5 May 2026 and was added to the case management system of the Tribunal Chamber on 14 May 2026.
2. The in-house convenor reviewed the application and the Tribunal wrote to the applicant on 2 June 2026 as follows:

You have indicated on the application form that your application is lodged under rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, which relates to private residential tenancies are governed by the provisions of the Private Housing (Tenancies) (Scotland) Act 2016. The tenancy agreement shows that this tenancy started on 4 April 2014. Private residential tenancies were only introduced and capable of being created from 1 December 2017. It would appear that this tenancy is an assured tenancy, governed by the provisions of the Housing (Scotland) Act 1988. The notice to leave which you have provided relates to private residential tenancies. If the tenancy started prior to 1 December 2017 then it will not be a private residential tenancy and the notice to leave which you have apparently served has no legal effect at all. If the tenancy is an assured tenancy and you wish to pursue an eviction application, then you require to serve upon the tenant a notice to quit and a Form AT6 setting out the relevant ground for eviction that you wish to use. Each of these forms must comply with relevant legal requirements. If you accept that the tenancy is an assured tenancy and that you have not served the required notices upon the tenant please

confirm that you seek to withdraw this application Alternatively, please explain why you believe the tenancy is a private residential tenancy or if you accept the tenancy is an assured tenancy, please explain the basis upon which you believe that the notice you have served complies with the various requirements of the 1988 Act. If you believe this application can proceed and the basis for eviction is rent arrears, then please provide a rent statement showing the calculation of the arrears and also provide evidence of full compliance with The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020. What steps have been taken in conjunction with the tenant to manage arrears prior to commencing proceedings for repossession on the grounds of rent arrears.

If you believe this application can proceed, please provide a copy of the notice which is required to be given to the local authority under section 11(3) of the Homelessness etc. (Scotland) Act 2003. Please provide evidence of the method and date on which that was given to the local authority Upon receipt of the above information, a final decision can then be taken on whether the application is valid and whether it should be accepted and referred to the tribunal for full determination.

The tribunal would strongly suggest that you may find it useful to seek independent legal advice on this application, the matters contained in this letter and any further action which you wish to take. There is a section of the tribunal website which contains information and links to advice agencies and sources of independent advice. Please respond to this letter within the next two weeks. If you fail to respond to this letter, then the tribunal may reject your applications. You should be aware that the Tribunal has the power to reject applications on grounds set out in rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 Please reply to this office with the necessary information by 16 June 2026. If we do not hear from you within this time, the President may decide to reject the application. If you require any further information, please contact us, quoting your reference number.

3. The applicant did not respond and a reminder was sent on 10 July 2026.
4. The applicant responded on 11 August 2026 as follows:

In regards with my tenant whom I want evict Agnes Weir, I have found paper work from the housing benefits, as from July 2019 where she was in receipt of £331.29 every month up until April 2024 where she started receiving £368.22 then it changed again to £405.04 from May 2014 and that is what she gets to date, do roughly from 2019 to 2024 she has been short £10,200 and that's not counting the shortfall of almost £50 a month from 2024 to date, she is not denying that she owes me this money, she says she can't pay anymore than what she gets in house payments. Now Shaheda had offered to pay me £30 a month, which will take her a life time to pay back, I have asked on numerous occasions if I can visit her at the property but she ignores me, she is not co operative at all. I now may want to sell my property and move on

5. Rule 8(1)(a) of the Rules allows an application to be rejected by the Chamber President if ***“they consider that an application is vexatious or frivolous”***.
6. “Frivolous” in the context of legal proceedings is defined by Lord Justice Bingham in R-v- North West Suffolk (Mildenhall) Magistrates Court (1998) Env.L.R.9. At page 16 he states:- “What the expression means in this context is, in my view, that the court considers the application to be futile , misconceived, hopeless or academic”.
7. I consider that this application is misconceived and has no reasonable prospect of success. This is an assured tenancy and rule 109 does not apply. The tenancy has not been brought to an end and the notice to leave provided has no legal application to an assured tenancy.
8. Further, in terms of Rule 8(c) of the rules I have good reason to consider that it would not be appropriate to accept this application as it is incomplete and the applicant has failed to make a substantive response to the detailed request for information sent by the Tribunal on 2 June 2026 with a reminder on 10 July 2026. The applicant has therefore 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 Anne Ward

Legal Member