



**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/26/1044

Parties

Mr Paul Cullinane (Applicant)

8 Montrose Place, Linwood, Renfrewshire, PA3 3QT (House)

1. On 5.3.2026 the First-tier Tribunal (FTT) received an application in terms of Rule 109.
2. The documents lodged with the application were: A copy of the Notice to Leave dated 17.11.2025 with a date of 4.3.2026 in part 4. The ground for the application and notice was given as ground 1 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (the Act).
3. On 9.4.2026 the FTT wrote to the Applicant requesting the following: 1. Please provide a copy of the tenancy agreement. 2. Please provide a copy of the S 11 notice to the local authority and evidence when and how this was given to the local authority. Unfortunately it is not possible for the Tribunal to proceed with the application unless you provide the actual form required by S 56 of the Private Housing (Tenancy) (Scotland) Act 2016. This is called a S 11 form and it is a specific form, prescribed in S 11 of the Homelessness (Scotland) Act 2003 and

the Notices to Local Authorities (Scotland) Regulations 2008. You should be able to get a form from the local authority or from the internet. Just sending the Notice to Leave to the local authority does not fulfil the requirement set out in the legislation. Please fill in one of the forms and then send it to the local authority and provide the Tribunal with a copy of the completed form and the proof of sending it. Please take care to tick the correct legislation on the form (in this case this should be S 56 of the Private Housing (Tenancies) (Scotland) Act 2016) when you complete the form. Once this is received by the Tribunal the application can be further considered. 3. Please provide evidence of how and when the Notice to Leave was served on the tenant. 4. Please provide evidence of the ground applying. Ground 1 (3) states: "(3) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2)(b) includes (for example)—(a) a letter of engagement from a solicitor or estate agent concerning the sale of the let property, (b) a recently prepared document that anyone responsible for marketing the let property would be required to possess under section 98 of the Housing (Scotland) Act 2006 were the property already on the market."

4. No reply was received. The FTT sent a reminder letter on 16.6.2026 with a reply deadline of 30.6.2026 and explained: If you do not wish to proceed with the application, please confirm in writing that it should be withdrawn. Please reply to this office with the necessary information by 30 June 2026. If we do not hear from you within this time, the President may decide to reject the application.
5. No reply has been received.
6. The application documents are referred to for their terms.

DECISION

1. 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."

2. 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.

Relevant Legislation

Application for civil proceedings in relation to a private residential tenancy

Application for an eviction order

109. Where a landlord makes an application under section 51(1) (for an eviction order) of the 2016 Act, the application must—

(a) state—

(i) the name, address and registration number (if any) of the landlord;

(ii) the name, address and profession of any representative of the landlord;

(iii) the name and address of the tenant; and

(iv) the ground or grounds for eviction;

(b) be accompanied by—

(i) evidence showing that the eviction 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; and

(iii) a copy of the notice given to the local authority as required under section 56(1) of the 2016 Act; and

(c) be signed and dated by the landlord or a representative of the landlord.

REASONS FOR DECISION

3. The Applicant has not provided a copy of the tenancy agreement, no notice to the local authority as required by s 56 of the 2016 Act and no documentary evidence supporting the ground stated.
4. The Applicant was clearly advised that the application was incomplete and that the application may be rejected unless the documentation was provided.
5. S 56 (1) states specifically "A landlord may not make an application to the First-tier Tribunal for an eviction order against a tenant unless the landlord has given notice of the landlord's intention to do so to the local authority in whose area the let property is situated." Thus an application that does not provide evidence of this notice having been given cannot proceed.
6. The Applicant also did not provide any evidence that the Notice to Leave had actually been served on the tenant.
7. The Tribunal had given the Applicant the opportunity to provide documents and information to cure these defects. To date no reply has been received to the requests.
8. Given that the application does not fulfil the lodging criteria for an application of that nature in terms of Rule 109 of the Procedure Rules, it would not be appropriate for the Tribunal to accept the incomplete application.
9. The application is therefore 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