



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 an application by Mr Angus Cruikshank of West End Property Holdings Ltd in terms of rule 65 of the rules.

At Glasgow on the 11 September 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 Mr Angus Cruikshank of West End Property Holdings Ltd, the owners of the property at G/2 337 Strathmore Avenue Dundee DD3 6RY ‘the property’, for recovery of possession of the property in terms of Rule 65. The application was made on his behalf by Mr Sean Cruikshank.
2. The application was dated 10 July 2026 and received by the tribunal on 13 July 2026.
3. The inhouse convenor reviewed the application and the tribunal wrote to the applicant’s representative on 7 August 2026 as follows:

I refer to your recent application which has been referred to the Chamber President for consideration. Before a decision can be made, we need you to provide us with the following:

Your application has been reviewed by a legal member of the First-tier Tribunal with delegated powers of the Chamber President who has raised the following matters.

Please provide a mandate signed by a director of the landlord company authorising you to act.

Please provide evidence of the receipt of the notices by the tenant. You have provided a certificate of posting but the tribunal also requires to receive evidence of delivery.

In your application form you state that the application is being made in terms of rule 65 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 which relates to eviction actions in

respect of assured tenancies based on one of the various eviction grounds contained in schedule 5 to the Housing (Scotland) Act 1988.

You have not provided a copy of any form AT6 served upon the tenant setting out any eviction ground.

Your application form mentions ground 8A. That eviction ground was a temporary ground introduced during the Covid pandemic and the original ground 8 was repealed and has not been available to be used since 1 October 2022.

If you are pursuing an eviction based on a ground relating to rent arrears, please 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.

Alternatively, please confirm whether it is your intention to proceed under rule 66 which relates to eviction orders at the termination of a short, assured tenancy. If so please provide an amended application form.

You have not provided 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 a copy together with evidence of the method and date on which that was given to the local authority.

The tribunal would 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 application. 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 21 August 2026. If we do not hear from you within this time, the President may decide to reject the application.

4. No reply has been received.
5. In terms of rule 8(1)(c) the President must reject an application if they have a good reason to believe it would not be appropriate to accept it. I have decided to reject the application. It is incomplete and the applicant's representative has failed to respond to a reasonable request by the tribunal for further information of 7 August 2026 and has therefore failed to cooperate with the tribunal in the execution of its duties. It is open to the applicant to resubmit the application with the correct supporting documentation.

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