



**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/26/1999

Parties

P.D. Hook (Group) Limited (05196402) (Applicant)

Turcan Connell (Applicant's Representative)

Property

Lugate Shooting Lodge, Stow, Galashiels, Scottish Borders, TD1 2SR (House)

1. On 7.5.26 the First Tier Tribunal for Scotland Housing and Property Chamber (FTT) received the application, which was made under rule 109 of the Procedure Rules and S 51 of the Private Housing (Tenancies) (Scotland) Act 2016 and stated as the grounds applicable "It was a condition of sale that the Seller would begin the eviction process by serving Residential Notices to Leave on the relevant tenants and following Completion, the Applicant would have the right to continue the process. An extract of the Offer is produced. A Notice to Leave was served on the Tenant on 5 November 2025 by the Seller's agent. The Notice and proof of delivery are produced. The Applicant is entitled to apply for an eviction order by virtue of the Offer".
2. The application was accompanied by a copy of the tenancy agreement between the

Respondent and Bowland Estates Limited as the landlord, commencing 9.6.21, a Notice to Leave issued by the previous landlord Bowland Estates Limited on ground 1 dated 4.11.25 and stating as the date in part 4 28.1.26, a s 11 notice and email to the local authority dated 6.5.26, a purchase conclusion letter for the property dated 31.10.25 between Bowland Estates Limited and others as sellers and the Applicant as purchaser together with an extract of the conditions of purchase. The title deeds show that the property ownership of the Applicant was registered on 12.11.25 with a date of entry of 7.11.25.

3. In letters dated 29.5.26, 28.7.26 and 3.9.26 the FTT requested further information from the Applicant in the following terms: A legal member of the Tribunal has considered your applications and advises as follows: You have applied for an eviction order in terms of Rule 109 of the Tribunal Rules and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. Although you do not specifically state in your application, it would appear from the Notice to Leave that your application proceeds on Ground 1, landlord intends to sell the let property. Section 51 and Rule 109 both state that a landlord may apply for an eviction order. As stated above, Ground 1 is that the landlord intends to sell the let property. From your application it would appear that your clients are raising the application following a conveyancing contract between them and the party or parties who had been the landlord before or during the sale of the property to your clients. It would appear also that the sale has taken place and so the intention to sell cited in the Notice to Leave has been satisfied. If this is the case, please explain why your clients as landlords are entitled to rely on the Notice to Leave issued by the previous landlord in respect of their intention to sell given that the intention no longer exists. Please reply by 20 June 2026 (11.8.26 and finally 17.9.26) or your application might be rejected.
4. The period for a reply to the final request for further information had expired on has expired and by 13.10.26 no reply had been received and no further documents had been lodged by the Applicant. The document lodged by the applicant and the letters requesting further information from the FTT are referred to for their terms and held to be incorporated herein.

DECISION

5. 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."

- 6. 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.**

REASONS FOR DECISION

1. The lodging requirements for an application under rule 109 include under (b) the requirement to lodge (i) evidence that the ground or grounds has been met.
2. The Applicant has not provided any information to confirm that the current landlord and applicant “intends to sell the property for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it” as required in terms of schedule 3 ground 1 (2) (b) of the Private Housing (Tenancies) (Scotland) Act 2016. No other ground has been

evidenced or relied upon. The Applicant has been given ample opportunity to provide evidence of ground 1 and has not reacted at all to any of the correspondence from the FTT.

3. The Applicant had been advised that evidence for ground 1 applying was required and that the application may be rejected if this is not forthcoming. However, despite three letters requesting the information, this was not provided. It would not be appropriate for the Tribunal to accept an application which is incomplete and does not meet the lodging requirements.
4. The application is thus 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

13 October 2026