



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/25/2355

Parties

Mrs Lorna Woodward (Applicant)

14 Muir Street, Bishopbriggs, Glasgow, G64 1QQ (House)

Karen Moore (Legal Member)

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).

Background

1. The application was received by the Tribunal on 3 June 2025 under Rule 66 of the Tribunal Rules and Section 33 of the Housing (Scotland) Act 1988 (“the 1988 Act”).
2. The application was considered by the Tribunal and found to be defective as it did not conform to the Tribunal Rules, nor did it proceed on the correct statutory

basis as a Notice Quit and Notice in terms of Section 33 had not been served on the tenant. A covering email which accompanied the application explained that these Notices had been given to the tenant's mother due to the tenant's health.

3. The Applicant was contacted by email on 9 July 2025 which email set out that service of the Notices was an essential statutory requirement which could not be waived by the tribunal. The Applicant was advised to take legal or specialist housing advice. The Applicant wrote to the Tribunal by email on 17 July 2025 and accepted that the Notices had not been served. Correspondence which accompanied that email made it clear that there was no attorney or guardian in place for the tenant and that tenant's mother had no authority to accept service on the tenant's behalf.
4. The Tribunal wrote again to the Applicant by emails on 12 August 2025 and 8 September 2025 explaining the difficulties with the Application and requesting that she put forward an argument in respect of service of the Notices. The emails suggested that the Applicant take advice on how to proceed and warned that, if the Applicant did not reply by set dates, that latter being 22 September 2025, the application was likely to be rejected.
5. No reply was received from the Applicant, and no indication was given that the documentation would or could be submitted to comply with the 1988 Act or the Tribunal Rules.

Reasons for Decision

6. 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."

7. The Tribunal cannot grant the application if it is incomplete, proceeds on the wrong basis and does not conform to the Tribunal Rules. As the Applicant has been given clear information on the defects in the application and has failed to correct the defects, and, as they has been given fair notice that failing to do so might mean that the application might be rejected, the Tribunal considers that there is no prospect of the application being acceptable in terms of the Tribunal Rules. Accordingly, there is good reason to believe that it would not be appropriate to accept the application and so 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

21 October 2025

