



**DECISION AND STATEMENT OF REASONS OF ALISON KELLY, 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 Rules")**

in connection with

**3 Rose Street, Burntisland, Fife, KY3 0EG ("the Property")**

**Case Reference: FTS/HPC/EV/25/2378**

**John Feeney ("the Applicant")**

1. The application was made, on 4<sup>th</sup> June 2025, under Rule 109 of the Procedural Rules being an application for an eviction order. The application was accompanied by supporting documentation
2. By way of email dated 9<sup>th</sup> July 2025 a request for further information was sent to the Applicant. No reply was received.
3. On 21<sup>st</sup> August 2025 the Tribunal sent an email to the Applicant asking for the information previously requested and asking him to withdraw the application if he did not want to proceed. The Applicant did not reply.
4. On 6<sup>th</sup> October 2025 the Tribunal sent a further email to the Applicant asking him to confirm his position. The Applicant did not have the courtesy to reply.

## DECISION

5. The circumstances in which an application is to be rejected are governed by 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;*
- (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 further information referred to and

correspondence from the Applicant, the Legal Member considers that the application should be rejected on the basis that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Procedural Rules.

## **REASONS FOR DECISION**

7. The applicant was given three opportunities to provide the information required but did not bother to reply. The application cannot proceed without the information requested.
8. In the absence of any response by the Applicant, it would not be appropriate to accept the application and accordingly it is 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.



Alison Kelly  
Legal Member  
10<sup>th</sup> November 2025