



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 8(1)(c) of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”)**

**Chamber Ref: FTS/HPC/EV/25/3693**

**Re: Property at 7 Saughtree Avenue, Saltcoats, KA21 6BW (“the Property”)**

**Parties:**

**Abbi Lets, 17 Fairways, Irvine, KA12 8TE (“the Applicant”)**

**Tribunal Members: Ruth O’Hare, Legal Member of the Tribunal with delegated powers from the Chamber President**

**Decision**

The Legal Member determined that there is good reason to believe that it would not be appropriate to accept this application received by the Tribunal on 29 August 2025.

The Legal Member therefore rejects the application under Rule 8(1)(c) of the Rules.

**Background**

- 1 This is an application under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 and Rule 109 of the Rules. The Applicant sought an eviction order in relation to a private residential tenancy.
- 2 In terms of Rule 5(2) of the Rules, a Legal Member of the Tribunal with delegated powers from the Chamber President reviewed the application to assess whether it had been lodged in the required manner. Following said review the Tribunal wrote to the Applicant on 12 September 2025 in the following terms:-

*“(1) Please provide your comments on the notice period in the Notice to Leave. You refer to Grounds 1, 11 and 12. Ground 1 requires 84 days notice if the tenant has resided in the property for more than 6 months and Grounds 11 and 12 requires 28 days’ notice. The notice that must be given in a notice to leave is the notice required by the ground with the longest period of notice, in this case it is Ground 1 and therefore 84 days notice should be given. Accordingly, the Notice to Leave served does not provide the tenant with the correct notice.*

*Please either:*

- a. Withdraw the application and re-apply when the correct notice period has expired or*
- b. Amend your application and confirm that you are only seeking to rely on grounds 11 and 12 or*
- c. Confirm that you wish to proceed with the application on all grounds on the basis that you intend to ask the Tribunal to entertain the application although it is in breach of Section 54 (Section 52(4) of the Private Housing (Tenancies) (Scotland) Act 2016). A decision as to whether it is reasonable for the Tribunal to entertain the application will not be made at the application/sifting stage, but by the Tribunal that deals with the application if it is accepted. You will have to satisfy the Tribunal that it is reasonable to do so at the CMD or subsequent Hearing.*

*(2) Please provide evidence that you served the section 11 notice on the local authority.*

*(3) You have provided copies of your bank statements. These are returned to you. Please provide redacted copies of the bank statements as all productions are copied to the Respondent and will form part of the case file.*

*(4) You have provided a missing rent table. The details are not sufficient. Please provide a rent statement for the period of the lease showing the date the rent payments were due, the rent due, the rent paid and the outstanding balance.*

*(5) Please provide evidence of the Grounds that you wish to rely on. In relation to ground 1 the required evidence includes a letter of engagement from a solicitor or estate agent concerning the sale of the property or a recently prepared Home Report.*

*(6) Please advise if you have complied with the pre-action requirements protocols and if so provide copies of the preaction letters you have sent to the Tenants and evidence of service.*

*Please reply to this office with the necessary information by 28 days. If we do not hear from you within this time, the President may decide to reject the application.”*

- 3 The Tribunal received no response from the Applicant. On 7 November 2025 and 22 December 2025, the Tribunal sent reminders to the Applicant requesting they provide the information failing which the application would be rejected.
- 4 On 22 December 2025 the Tribunal received an email from the Applicant requesting an extension to the deadline for response. On 24 December 2025 the Tribunal wrote the Applicant advising that it would allow a final extension to 23 January 2026 to provide all the information previously requested. The

Tribunal advised the Applicant that failure to provide all information would result in the applications being rejected.

- 5 On 16 January 2026 the Applicant submitted various documents to the Tribunal including a new notice to leave with a posting receipt, excerpt pages from a tenancy agreement and a section 11 notice. On 13 February 2026 the Tribunal wrote to the Applicant by email in the undernoted terms:-

*“Your further information has been assessed by a Legal Member of the Tribunal with the delegated authority of the Chamber President. The Legal Member has stated the following:*

*• You have not properly responded to the request for further information dated 12th September 2025. Instead, you have lodged a new notice to leave with a posting receipt, some pages from a tenancy agreement and a section 11 notice. It is not clear what your intention is. If you are unable to comply with the request for further information and no longer wish to proceed with the original application based on the original notice to leave, please confirm that you are withdrawing that application, or it is likely to be rejected and a rejection decision will be published on our website.*

*• You can then make a further application based upon the recent notice to leave, with a new application form, and ensuring that you have submitted all the necessary documentation as set out in the guidance on our website, including evidence to support the ground of eviction.*

*Please reply to this office with the necessary information by **27 February 2026**. If we do not hear from you within this time, the President may decide to reject the application.”*

### **Reasons for decision**

- 6 The Legal Member has determined that the application should be rejected in terms of Rule 8(1)(c) of the Rules, which states that an application must be rejected if the Tribunal has “*good reason to believe that it would not be appropriate to accept the application*”.

- 7 Rule 109 is in the following terms:-

*“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  
(iv) a copy of Form BB (notice to the occupier) under schedule 6 of the Conveyancing and Feudal Reform (Scotland) Act 1970 (if applicable), and  
(c) be signed and dated by the landlord or a representative of the landlord.”*

- 8 The basis of the decision is the Applicant's failure to provide all information required for an application under Rule 109. The Applicant was asked for this information six months ago, and subsequent reminders have been sent by the Tribunal. The Applicant has been advised that their application may be rejected if the information is not provided. They have therefore been given the opportunity to address the outstanding matters and to date have failed to produce a valid application that complies with the requirements of rule 109.
- 9 The Legal Member has therefore determined that, based on the Applicant's failure to provide the information and cooperate with the Tribunal, it would not be appropriate to accept the application. The application does not in its current form comply with the mandatory requirements of Rule 109 and must therefore be rejected.
- 10 The Legal Member would observe that the Applicant can submit a new application based on the most recent notice to leave. The Legal Member would strongly encourage the Applicant to seek independent legal advice before doing so to ensure the application complies with the mandatory requirements.

### **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.**

# Ruth O'Hare

**31 March 2026**

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**Legal Member/Chair**

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**Date**