



**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 application by Mr Alan Matson of Just Home Services Ltd in terms of rule 65 of the Rules.

**Case reference FTS/HPC/EV/25/3063**

At Glasgow on the 30 March 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) a) and (c) of the Rules

1. This is an application by Mr Alan Matson of Just Home Services Ltd for eviction in terms of rule 65 of the Rules. The Application was made on his behalf by Ms Carla Clarke of Just Home Services Ltd, dated 14 July 2025 and received by the Tribunal on the 17 July 2025.
2. The application was incomplete and the Tribunal wrote to the applicant’s representative on 6 August 2025 as follows:
  - (1). Please provide a copy of the tenancy agreement and AT5.
  - (2). Please provide evidence of service of the AT6.
  - (3) You have also lodged a copy notice to quit and section 33 notice (although no evidence of service thereof). The application is made under rule 65 which is for applications under section 18 of the Housing (Scotland) Act 1988 as opposed to rule 66 which is for applications under section 33 of that Act. If you seek to rely on the notice to quit and section 33 notice please provide evidence of service.
  - (4) Please provide a copy of the section 11 notice and evidence of it having been sent to the local authority.

(5) Title to the Property is in name of Mr Matson and Ms Matson. Please explain why the Applicant is Just Home Services Ltd who are also stated to be the Applicant's Representative.

(6) The same address is provided for the Applicant and the Applicant's Representative. If the address provided for the Applicant is a care of address please note this is not acceptable and an amended application should be lodged containing the Applicant's address. Please note that further queries may arise once you have provided the further information requested. Please reply to this office with the necessary information by 20 August 2025. If we do not hear from you within this time, the President may decide to reject the application.

3. The applicant's representative requested further time to respond on 20 August 2025. The Tribunal granted further time and asked for a response by 30 September 2025.
4. The applicant's representative provided further information on 31 October 2025. The in-house convenor reviewed the application again and the Tribunal wrote to the applicant on 19 November 2025 seeking further information as follows:

A Legal Member of the Tribunal with delegated powers of the President has considered your application and your reply to our letter of 6 August 2025 asking for further information to allow us to progress your application. Please deal with the following:

- (1) We asked you for a copy of the tenancy agreement and AT5. You have submitted a copy tenancy agreement between Matson Rentals Limited, a company, and Tracy Frain, Stephen Frain and Morgan Frain dated 1 September 2016. You have submitted also an AT5 by Alan and Helen Matson to Tracy Frain, only, dated 31 March 2025. Please explain why you consider this to be valid given the details of the tenancy?
- (2) We asked you for evidence of service of the AT6. The AT6 submitted with the application form is by Alan and Helen Matson to Tracy Frain, only, dated 31 March 2025, citing Ground 1. You have not submitted evidence of service but have submitted another AT6, also by Alan and Helen Matson to Tracy Frain, only, also dated 31 March 2025, but citing Ground 1A, which ground has been repealed. You have not submitted evidence of service of this second AT6. Ground 1 is undernoted. Given that the landlord is a limited company and that there three tenants, please explain why you consider either of these AT6s to be valid and provide proof of service?
- (3) We asked you to clarify under which Rule you are applying, Rule 65 and Section 18 or Rule 66 and Section 33. You have not clarified this and have not submitted proof service of a valid Notice to Quit on all three tenants.
- (4) We asked you to provide a copy of the section 11 notice and evidence of it having been sent to the local authority. You have not submitted this.
- (5) and (6). We advised that the title to the Property is in name of Mr Matson and Ms Matson and asked you to explain why the Applicant is Just Home Services Ltd who are also stated to be the Applicant's Representative. We also asked you to amend the application to show the residential address of the Applicant. You have now submitted an amended application showing the Applicant to be Alan Matson and

have detailed his home address. The landlord on the tenancy agreement is Matson Rental Limited. Please explain Alan Matson's authority to raise the application in his own name, alone?

- (7) We also require a mandate of letter from the landlord and Applicant authorising you to act on their behalf.

Recovery of possession of tenanted properties can be complex and you are strongly advised to take legal or specialist housing advice before proceeding further. The Tribunal cannot give you advice and can only point out the steps to be taken to ensure compliance. The above points set out the essential statutory criteria. The Tribunal has no power to waive or vary them. If you are not able to provide the necessary information, you should consider withdrawing the application and starting afresh. You must reply no later than 12 December 2025 or your application is likely to be rejected.

Undernote referred to: Ground 1: Not later than the beginning of the tenancy the landlord (or, where there are joint landlords, any of them) gave notice in writing to the tenant that possession might be recovered on this Ground or the First-tier Tribunal is of the opinion that it is reasonable to dispense with the requirement of notice and (in either case) (a) at any time before the beginning of the tenancy, the landlord who is seeking possession or, in the case of joint landlords seeking possession, at least one of them occupied the house as his only or principal home; or (b) the landlord who is seeking possession or, in the case of joint landlords seeking possession, at least one of them requires the house as his or his spouse's or civil partner's only or principal home, and neither the landlord (or, in the case of joint landlords, any one of them) nor any other person who, as landlord, derived title from the landlord who gave the notice mentioned above acquired the landlord's interest in the tenancy for value.

5. The applicant's representative did not respond and a reminder was sent on 14 January 2026. The representative contacted the Tribunal on 19 January 2026 to state the following:

Unfortunately this is the first time i and Mr Matson have followed this procedure and to be truthful its a minefield. To clarify Alan Matson owns the property alongside his ex wife Helen Matson and Alans company Matson Rentals Ltd is the management company, i made an initial error in listing Matson Rentals as the Landlord and had resubmitted the paperwork as i believed the date had passed. Do you wish for me to start the process again.

6. This was not a substantive reply to the tribunal's request and appeared to be a request for advice regarding the application process.
7. The tribunal sent a further email on 11 February 2026 as follows:

A legal member of the Tribunal has considered your email of 19 January 2026. The Tribunal cannot advise you how to proceed with your application. We would however strongly encourage you to seek independent legal advice. As previously advised, residential tenancies can be complex, particularly tenancies under the Housing (Scotland) Act 1988. It is clear there are several defects with the application in its current form, and you may benefit from seeking advice from a solicitor or advice agency. There are details of advice agencies under the Useful Links section on the Tribunal website. If you wish to proceed with the application, you will require to provide a full response addressing all the points raised in the Tribunal's email of 19 November 2025, copy attached. We will allow you a final opportunity to submit this information. Alternatively, please confirm if you wish to withdraw the application. Please provide your response no later than 25 February 2026. If we do not hear from you within this time, the President may decide to reject the application.

8. No reply has been received.
9. Rule 8(1)(a) of the Rules allows an application to be rejected by the Chamber President if ***“they consider that an application is vexatious or frivolous”***.
10. “Frivolous” in the context of legal proceedings is defined by Lord Justice Bingham in R-v- North West Suffolk (Mildenhall) Magistrates Court (1998) Env.L.R.9. At page 16 he states:- “What the expression means in this context is, in my view, that the court considers the application to be futile , misconceived, hopeless or academic”.
11. I consider that this application is frivolous or vexatious and has no reasonable prospect of success. The application is incomplete. There is no section 11 notice or notice to quit and it is not clear whether an AT6 has been served on each tenant.
12. Further, in terms of Rule 8 (1) (c) of the rules I have good reason to consider that it would not be appropriate to accept this application as the applicant’s representative has failed to reply to the Tribunal’s reasonable request for information and has therefore failed to cooperate with the tribunal in the execution of its duties.

**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

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Legal Member