



**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 Budget Green Homes in terms of rule 109 of the Rules.

**Case reference FTS/HPC/EV/25/4365**

At Glasgow on the 23 April 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)(c) of the Rules

1. This is an application by Budget Green Home, for eviction, in terms of rule 109 of the Rules. The application was made on their behalf by Miss Nikki Kaur of Countrywide SHHL Lettings Scotland on 9 October 2025.
2. The application was not accompanied by a notice to leave or proof of service. On 17 November 2025 a notice to leave dated 17 July 2025 was provided but no proof of service. The tracking information provided stated that the notice had been returned to sender.
3. On 5 December 2025 the applicant’s representative stated that the notice to leave was being served by sheriff officer.
4. The tribunal wrote on 24 December 2025 as follows:

A legal member of the Tribunal has considered your email of 5 December 2025. Your email indicates that you are in the process of serving a second notice to leave upon the respondent. If that is the case, you should withdraw this application and resubmit a further application once the new notice has been served and has expired. You cannot rely upon the new notice to leave for this application.

5. On 29 January 2026 the tribunal sent a further email asking the applicant's representative to clarify how they intended to proceed. On 30 January 2026 they sent a copy of a notice to leave dated 4 December 2025. No proof of service was provided but that notice post dated the application. On 23 February 2026 the applicant's representative provided an execution of service by sheriff officer dated 8 December 2025.

6. The tribunal sent a further request for information on 18 March 2026 as follows:

The sheriff officer's certificate of execution post dates your application. The notice to leave in December which was served by sheriff officer cannot support the present application. Unless the notice was served on an earlier date, please confirm that you wish to withdraw the present application to allow you to serve a valid notice to leave.

7. The applicant's representative replied on 20 March 2026 by sending a further copy of the notice to leave dated 17 July 2025 but with no proof of service.

8. I have reviewed this application today and I have decided to reject it. In terms of Rule 8(c) of the rules I have good reason to consider that it would not be appropriate to accept this application as the application is incomplete. The applicant's representative has failed to provide proof of service of the notice to leave sent in July 2025 despite numerous requests. The notice to leave from November 2025 for which there appears to be proof of service post dates the application and cannot form a basis for it. This application as it stands is premature and has to be rejected. It is open to the applicant to resubmit the application with the correct supporting information.

**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

Legal Member