Housing and Property Chamber
First-tier Tribunal for Scotland

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/26/2331

Re: Property at 6/10 Bethlehem Way, Edinburgh, EH7 6FB ("the Property")

Parties:

Mr Daniyal Sohail, 203 St John's Road, Edinburgh, EH12 7UU ("the Applicant")

Tribunal Members: Ruth O'Hare, Legal Member 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 26 May 2026.

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

Background

1 This is an application under rule 109 of the Rules and section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act"). The Applicant sought an eviction order in relation to a private residential tenancy on ground 13 of schedule 3 of the 2016 Act. The application was submitted by the Applicant's representative, Dunedin Property Management.

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's representative by email on 11 June 2026. In summary, the Tribunal queried the ground for eviction included in the application which was not the ground included in the notice to leave and asked for additional explanation and evidence to support the eviction ground. The Tribunal also asked for evidence of service of the notice to leave upon the respondents.

3 On 11 June 2026 the Applicant's representative responded with further information regarding the ground for eviction and evidence of service of the notice to leave.

4 On 1 July 2026 the Tribunal wrote to the Applicant's representative regarding the notice to leave, stating "*The date in Part 4 is incorrect. The Respondent should have been given 28 days' notice. This means that the date should have been 22.5.26. There is a recent Upper Tribunal decision which is relevant (Halcrow v Davies and Hunter 2025 UT 68) relevant to this issue. Please note that if the application is accepted, it may still be refused at the CMD if the Tribunal is not satisfied with the notice. You should also note that the CMD is unlikely to take place for some months. Please advise if you wish to withdraw the application and reserve the notice or if you wish to proceed with this application and to have the decision made on the validity of the Notice to Leave at the CMD".*

5 The Tribunal received no response from the Applicant's representative. On 11 August 2026 and 17 September 2026 the Tribunal sent reminders to the Applicant's representative requesting they provide the information prior to the stated deadlines failing which the application would likely be rejected.

6 No response has been received from the Applicant, nor their representative, as at the date of this decision.

Reasons for decision

7 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"*.

8 The basis of the decision is the Applicant's failure to latterly respond to the Tribunal's requests for information. The Tribunal has identified a defect with the notice to leave which could result in dismissal of the application. The Applicant has been asked to confirm how they wish to proceed in such circumstances. They have been advised via their representative that the application may be rejected if they do not respond. Their lack of response to the request and subsequent reminders has led the Legal Member to reasonably assume that they no longer wish to proceed with the application.

9 The Legal Member has therefore determined that, based on the Applicant's failure to respond and cooperate with the Tribunal, there is good reason to believe it would not be appropriate to accept the application.

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

Legal Member/Chair

10 November 2026

Date