



**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 Chalis Pim LTD in terms of rule 109 of the Rules.

**Case reference FTS/HPC/EV/23/3691**

At Glasgow on the 12 February 2024, 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 Chalis Pim LTD for eviction in terms of rule 109 of the Rules. The Application was made on their behalf by Ms Jane Parks of Mackenzie Way on 17 October 2023.
2. The Application was incomplete and the Tribunal wrote to the applicant’s representative on 19 October 2023 as follows:  
The following further information is required from you before your application can proceed to the Chamber President for consideration:
  - a copy of the notice to leave given to the tenant as required under section 52(3) of the 2016 Act
  - evidence of the notice to leave given to the tenant as required under section 52 (3) of the 2016 Act being served by the landlord on the tenant
  - a copy of the notice given to the local authority as required under section 56(1) of the 2016 Act
  - evidence of the notice given to the local authority as required under section 56 (1) of the 2016 Act being provided to the local authority Please reply to this office with the necessary information by 26 October 2023, otherwise the application may be rejected.
3. Some document were produced in response to the letter. The in-house convenor reviewed the application and the Tribunal wrote to the Applicant’s representative on 16 November 2023 seeking further information as follows:

- The Notice to Leave provides an excessive period of notice for the ground in question. Please consider whether this invalidates the Notice to Leave and provide your written representations in this regard.
- You have stated ground 8 in the application form, which would appear to be incorrect.
- The name of the landlord in the tenancy agreement is not that of the Applicant, and no explanation has been provided for this.
- The full name of the owner of the Property in terms of the Title Deed is different to that of the Applicant. The application should be made in the legal name of the Applicant company.
- You have not provided any evidence of service of the section 11 notice on the local authority despite a previous request for this.
- The rent statement should show rent due, rent paid and running total of rent arrears.

4. No reply was received. The Tribunal sent a reminder on 28 November 2023.

5. No reply has been received.

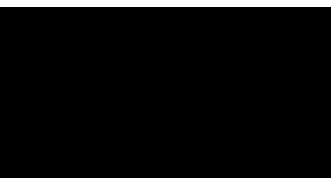
6. In terms of Rule 8(c) of the rules I have good reason to consider that it would not be appropriate to accept this application as it is incomplete and the Applicant's representative has failed to cooperate with the Tribunal in the execution of its duties.

**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

Legal Member