



Decision with Statement of Reasons of H Forbes, Legal Member of the First-tier Tribunal with delegated powers of the Chamber President of the First-tier Tribunal for Scotland (Housing and Property Chamber)

Under Rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules")

Chamber Ref: FTS/HPC/EV/23/3942

Parties:

Unknown ("the Applicant")

Accommodate Edinburgh ("the Applicant representative")

Charles Mayhew ("the Respondent")

Tribunal Member:

H Forbes (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the application should be dismissed on the basis that it would not be appropriate to accept the application in terms of Rule 8(1)(c) of the Procedural Rules.

Background

1. An application for an eviction order was made under Rule 109 on 7th November 2023. The application form did not disclose the name and address of the Applicant. A rent statement was included with the application form.
2. The application was deemed to be incomplete and the following was sent to the Applicant representative by email dated 8th November 2023:

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

No response was received.

3. A Legal Member of the Tribunal considered the application and an email was sent to the Applicant on 8th February 2024 requesting the above information, to be submitted by 15th February 2024. No response was received.
4. The application was considered by a Legal Member on 12th March 2024.

Reasons for Decision

5. The Tribunal considered the application in terms of Rule 8 of the Chamber Procedural Rules. That Rule provides:-

"Rejection of application

8.-(1) The Chamber President or another member of the First-tier Tribunal under the delegated powers of the Chamber President, must reject an application if-

(a) they consider that the application is frivolous or vexatious ...

(c) they have good reason to believe that it would not be appropriate to accept the application;

(2) Where the Chamber President, or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, makes a decision under paragraph (1) to reject an application the First-tier Tribunal must notify the applicant and the notification must state the reason for the decision."

6. The Applicant representative has failed to provide a copy of a valid Notice to Leave as required in terms of section 52(3) of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act"). The Applicant representative has failed to provide a copy of the notice given to the local authority as required under section 56(1) of the 2016 Act. Copies of both documents are required in terms of Rule 109 of the Procedural Rules before an application can be accepted. The Applicant representative has failed to provide the Applicant's name and address as required by Rule 109 of the Procedural Rules.



7. There is good reason to believe it would not be appropriate to accept the application. The application is accordingly rejected.

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.

H Forbes

12th March 2024

Legal Member/Chair

Date