



**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 popoola Akande in terms of rule 111 of the Rules.

**Case reference FTS/HPC/CV/23/3442**

At Glasgow on the 11 March 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 Mr Popoola Akande in terms of rule 111 for civil proceedings, ostensibly arising out of a private residential tenancy agreement for 1/1, 16 Blochairn Place Glasgow G21 2E , ‘the property’. The application was made on his behalf by Mr Bernard Odukudu on 2 October 2023. There was a second application for eviction.
2. The inhouse convenor reviewed the application and the tribunal wrote to the applicant representative on 8 November 2023 seeking further information as follows:

A legal member of the First-tier Tribunal with delegated powers of the Chamber President considers that in order for the Tribunal to be able to process your application further the undernoted information /documentation is required:

- (1) Please send the tenancy agreement you consider is currently in place or as much information about the agreement as possible, in particular any start date, rent arrangement, duties regarding deposit, agreement regarding tenant’s duty to clear common areas etc. It is not clear whether you are currently saying that there is no tenancy, in which case the Tribunal would in all likelihood not have jurisdiction or whether you are saying there is a tenancy in place, in which case you have to provide evidence of that and the terms of that tenancy.
- (2) Please provide evidence of the landlord registration for the applicant.
- (3) Please provide written authorisation of the agent by the applicant.

(4) Please provide a rent statement in the following format: date, rent due, rent paid, running total of arrears. Please clarify how the sum of £1530 is calculated if the arrears have been accruing since February 2021.

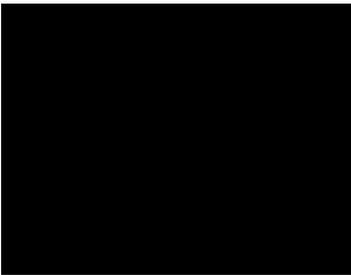
3. No response was received a reminder was sent on 5 December 2023 and on 13 December 2023 the following was sent:  
A legal member of the First-tier Tribunal with delegated powers of the Chamber President considers that in order for the Tribunal to be able to process your application further the undernoted information /documentation is required: You have not provided an answer to the request for further information dated 21.11.2023. A reply was requested by 5.12.2023. If you do not reply to the request by the date stated below the Tribunal will assume that you are no longer insisting on the application as you will have ignored repeated requests for further information. Please note that an application of this nature can only be made in civil proceedings arising out of a private residential tenancy. Please thus also clarify whether your position is that a tenancy has been entered into by you and the tenant or whether you are saying that there is no tenancy, bearing in mind that a private residential tenancy does not require to be in writing.
4. A further reminder was sent on 1 February 2024 and no response has been received.
5. In terms of Rule 8(c) of the rules the Tribunal President must reject an application if they have good reason to believe it would not be appropriate to accept it. I have good reason not to accept this application as it is incomplete. I am unable to ascertain of the correct rule has been used as the tenancy agreement has not been produced. A mandate has not been produced authorising the Applicant's representative to act. Further, the Applicant has failed to cooperate with the Tribunal in the execution of its duties.
6. It is open for the Applicant to resubmit the application with the correct supporting documentation.

**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.



Legal Member

