



**DECISION AND STATEMENT OF REASONS OF JOSEPHINE BONNAR,
LEGAL MEMBER OF THE FIRST-TIER TRIBUNAL WITH DELEGATED
POWERS OF THE CHAMBER PRESIDENT**

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

Case Reference: FTS/HPC/EV/25/3946

20 Easwald Bank, Kilbarchan, Johnstone ("the Property")

Catherine Wilson, 20 Easwald Bank, Kilbarchan, Johnstone ("the Applicant")

1. The Applicant lodged an application for an eviction order in terms of Rule 109 of the Procedure Rules and Section 51 of the Private Housing Tenancies (Scotland) Act 2016 ("the 2016 Act"). Various documents were submitted with the application.
2. The Tribunal issued a request for further information and documents in terms of Rule 5(3) of the Procedure Rules. The Applicant's representative was directed to provide a copy of the tenancy agreement, a copy of a notice to leave which complied with the legislation with evidence of service on the Respondent, evidence of service of the section 11 notice, evidence in support of the eviction grounds and an amended application form which clarified the identity of the parties and the eviction grounds. The representative initially failed to respond to the request. In response to a reminder, he asked for a further time and stipulated that he would address all outstanding issues. However, he failed to do so. Two further requests were issued, with no response from the Applicant. The Applicant had been notified that if he failed to respond, the application could be rejected.

Decision

3. After consideration of the application the Legal Member considers that the application should be rejected in terms of Rule 8(1) (c) 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."

Reasons for decision

4. Rule 5 of the Procedure Rules states that an application “is held to have been made on the date that it is lodged if, on that date, it is lodged in the manner as set out in...” the relevant Rule. In terms of Rules 5(2) and (3), the Chamber President or a Member with delegated powers must assess whether the “mandatory requirements for lodgement have been met” and “may request further documents”.
5. The Applicant failed to provide the Tribunal with a copy of the tenancy agreement, a valid Notice to leave with evidence of service, evidence of service of the section 11 notice. Evidence in support of the eviction ground(s) and clarification of the identity of the parties and the grounds for eviction. This information and these documents are required in terms of Rule 109 of the Procedure Rules, and the application cannot be accepted without them. The Applicant also failed to provide the information and documents in response to several requests issued by the Tribunal in terms of Rule 5.
6. In the circumstances, the Legal Member is satisfied that there is good reason to believe that it would not be appropriate to accept the application. The application is rejected on that basis.

What you should do now

If you accept the Legal Member’s decision, there is no need to reply.

If you disagree with this decision –

An applicant aggrieved by the 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 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. Information about the appeal procedure can be forwarded to you on request.