



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 Ms Glenys Michelle Keys in terms of rule 109 of the Rules.

Case reference FTS/HPC/EV/0315

At Glasgow on the 23 May 2023, 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 Ms Glenys Michelle Keys for eviction in terms of rule 109 of the Rules. The Application was made on her behalf by Ms Angelina Franchetti of Property Angels Letting and Management Ltd on 1 February 2023. There was a second application in terms of rule 111 to recover rent arrears.
2. The Application was incomplete and the Tribunal wrote to the Applicant’s representative on 1 February 2023 requesting the following:
 - 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.
3. The inhouse convenor reviewed the application and the Tribunal wrote to the Applicant’s representative on 6 March 2023 seeking further information as follows:

(1)With respect to both applications can you please provide a written mandate from the Applicant authorising you to act for her in these proceedings.

(2) Can you please provide a full rent statement from the start of the lease showing the rent due per month, the rent paid per month and the running balance - the rent statement provided starts when there are already arrears and is not clear when the arrears started, what is due and what has been paid.

(3) With respect to the civil application you have not specified what sum of money you are seeking as a payment order. Please amend your application to state the sum you are seeking. This should be the same as in the rent statement.

(4) With respect to the eviction application for eviction please provide the following:-

a. A copy of the S11 notice given to the local authority as required under section 56(1) of the 2016 Act and evidence that you have sent the notice to them such as a copy e-mail or proof of posting.

b. Evidence that the notice was received by the tenant i.e. the track and trace receipt showing it was delivered. Supported by the Scottish Courts and Tribunals Service www.scotcourtribunals.gov.uk

c. Please provide details of your compliance with the pre-action requirements contained in the Rent Arrears Pre-action Requirements (Coronavirus)(Scotland) Regulations 2020.

d. Please also find enclosed a letter regarding the Cost of living Act and let us know if you have any instructions.

Please reply to this office with the necessary information by 20 March 2023. If we do not hear from you within this time, the President may decide to reject the application

4. No response was made. A reminder was sent on 17 April 2023 and the applicant's representative has not responded.
5. The Tribunal can reject an application in terms of Rule 8(c) if they have good reason to believe that it would not be appropriate to accept it. As things stand basic information to enable the application to proceed (such as evidence of service of the notice to leave) has not been provided. The Applicant's representative has also failed to demonstrate that she is instructed in this matter. The Applicant's representative has had several weeks to provide the requested information and she has failed to do so. I therefore 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. It is open to the Applicant to resubmit the Application with the correct supporting information.

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