



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 on behalf of Jane Cooke in terms of rule 109 of the Rules.

Case reference FTS/HPC/EV/23/0401

At Glasgow on the 24 April 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 Jane Cooke for eviction in terms of rule 109 of the Rules. The application was made on her behalf by Mrs Nazanin Zand of Threshold Renal Management on 9 February 2023.
2. The inhouse convenor reviewed the application and the Tribunal wrote to the applicant’s representative on 16 March 2023 seeking further information as follows:
 - (1) Please provide an amended application for which includes the name and address of the landlord. Please note that this information is required.
 - (2) Please provide a mandate from the Landlord authorising you to make the application.
 - (3) Please provide a better copy of the notice to leave as it is not legible.
 - (4) Please provide evidence that the Notice to Leave was sent or given to the Tenant. You appear to have submitted an email dated 2 February. You must provide evidence that it was submitted at the relevant date which appears to be 25 November.
 - (5) Please clarify the validity of the notice as it does not give the correct period of notice for either ground 12 or ground 3.
 - (6) Please provide a copy of the section 11 notice with evidence that it was sent to the Local Authority.
 - (7) Evidence must be submitted for all eviction grounds. For ground 12, please provide a rent statement showing the rent due, the payments made and the running total outstanding. For

ground 3 you should provide a copy of a building warrant, planning permission or contract with the contractor who is to do the work.

(8) If the landlord has complied with the Rent Arrears Pre Action Requirements Regulations, please provide evidence of this.

(9) The application is affected by the Cost of Living Act. Please see the attached information.

3. The applicant's representative wrote to the Tribunal on 5 April 2023 with information which appeared to relate to antisocial behaviour at the property. No response was made to the Tribunal's detailed request for information of 16 March 2023.
4. 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 it is not clear that Ms Zand is instructed in this matter and basic information to enable the application to proceed (such as evidence of service of the notice to leave) has not been provided. The applicant 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.

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