

Housing and Property Chamber
First-tier Tribunal for Scotland



**DECISION AND STATEMENT OF REASONS OF ALISON KELLY, 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 Rules")

In connection with

Flat 2/2, 68 Sandaig Road, Glasgow, G33 4SY

Case Reference: FTS/HPC/EV/19/3519

Mr Roderick Muir ("the Applicant")

Miss Helen O'Brien ("the Respondent")

On 1st November 2019 the Applicant lodged an application under Rule 65 for eviction of the respondent from the property. By letter dated 5th November 2019 the Tribunal asked the Applicant's solicitor to provide proof of service of the Section 11 Notice. A response was requested by 12th November 2019. No response has been received.

DECISION

I 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;

(b) the dispute to which the application relates has been resolved;

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

(d) they consider that the application is being made for a purpose other than a purpose specified in the application; or

(e) the applicant has previously made an identical or substantially similar application and in the opinion of the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, there has been no significant change in any material considerations since the identical or substantially similar application was

determined.

(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. "

2 After consideration of the application and supporting documentation, I consider that the application should be rejected on the basis that it is not

appropriate to accept it in terms of Rule 8(1) (c) of the Procedural Rules.

REASONS FOR DECISION

The Applicant has not provided any information requested and therefor the Application, not having provided all of the information required in terms of the Rules falls to be rejected.

In addition I would have difficulty with the terms of the AT6 lodged by the Applicant. It does not state the exact wording of the ground on which eviction is sought.

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.

[REDACTED]

Miss Alison Kelly
Legal Member
25th November 2019

[REDACTED]

