

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

92 Crofton Avenue, Glasgow, G44 5HZ

Case Reference: FTS/HPC/EV/18/0761

MRS DALJIT PANESAR ("the Applicant")

MISS MAUREEN CALLAGHAN ("the Respondent")

The Application was lodged under Rule 109 of the Chamber Procedural Rules on 3RD April 2018, being an application by a private landlord for possession on termination of a Short Assured Tenancy. The following documents were enclosed with the Application:

- (i) Copy Notice To Leave dated 22nd November
- (ii) Copy Statement of Account for 27th March 2018
- (iii) Copy Statement of Account for 3rd April 2018

No copy of any Tenancy Agreement has been lodged, but The Notice To Leave states that rent has been in arrears since July 2011, which shows that the tenancy was in existence prior to 1st December 2017. Further statements in the Notice To Leave say that rent has been in arrears in October 2014, November 2016 and January 2017.

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, the attachments and correspondence from the Applicant's solicitor, 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 tenancy was in existence before 1st December 2017 and therefore incorrect notices have been used to try to bring the tenancy to an end. In terms of Rule 8 (c) it would therefore not be appropriate to accept the Application.

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.

A Kelly

Miss Alison Kelly
Legal Member
16th April 2018