



## DECISION AND STATEMENT OF REASONS OF THE FIRST-TIER TRIBUNAL FOR SCOTLAND

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

In respect of

34 Daniel McLaughlin Place, Kirkintilloch, G66 2LH

**Case Reference: FTS/HPC/EV/19/0843**

At Glasgow on 8 April 2019, Andrew McLaughlin, Legal Member of the First-Tier Tribunal with delegated powers of the Chamber President, rejected the above application in terms of rule 8 of the Rules for the following reasons:

1. The Applicant seeks an eviction order in respect of Section 18 (6) of Housing (Scotland) Act (“The Act”). The Application is based on an AT6 which is said to have been served on the Respondent on 19 January 2019. That AT6 indicated that the Applicant intended to raise proceedings on the basis of grounds 11 as set out in Schedule 5 of the Housing (Scotland) Act 1988 (“the Schedule”). No other grounds is referred to in the AT6.
2. In correspondence with the Tribunal, the Applicant has now advised that they wish the Application to proceed only in respect of grounds 8 of the Schedule. This grounds however, has not been stated as a basis for any proceedings in the AT6.
3. Sections 19 (1) and (2) of the Act are in the following terms:

*(1)The First-tier Tribunal shall not entertain proceedings for possession of a house let on an assured tenancy unless—*

*(a)the landlord (or, where there are joint landlords, any of them) has served on the tenant a notice in accordance with this section; or*

*(b) the Tribunal considers it reasonable to dispense with the requirement of such a notice.*

*( 2 )The First-tier Tribunal shall not make an order for possession on any of the grounds in Schedule 5 to this Act unless that ground and particulars of it are specified in the notice under this section; but the grounds specified in such a notice may be altered or added to with the leave of the Tribunal.*

4. Accordingly it is apparent that Section 19 (2) of the Act has not been complied with as the Application is said to proceed on the basis of a grounds not specified in the AT6.
5. I consider that it is not appropriate to accept the Application in terms of Tribunal Rule 8 (C) which allows for an Application to be rejected by a Legal Member of the Tribunal on behalf of the Chamber President if *“they have good reason to believe that it would not be appropriate to accept the application.”* The Application is therefore rejected.

**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 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 seek permission to appeal within 30 days of the date the decision was sent to them.

**A McLaughlin**

Mr Andrew McLaughlin

Legal Member

8 April 2019