

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**DECISION AND STATEMENT OF REASONS OF MELANIE BARBOUR, 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 Procedural Rules")**

**in connection with**

**Case reference FTS/HPC/EV/21/3133**

**And**

**Case reference FTS/HPC/CV/21/3026**

**Parties**

**Mrs Carol Singh, Mr Kuldip Singh (Applicant)**

**Mrs Pauline Bray Rielly, Mr Steven Rielly (Respondent)**

**33 McKinnon Terrace, Irvine, Ayrshire, KA12 9LH (House)**

1. On 20 December 2021, two applications were received from the applicant. The applications were made under Rule 65 of the Procedural Rules, being an application for eviction of an assured tenancy, and rule 70 an application for a payment order.
2. By letters from the Tribunal dated 10 January and 10 February both 2022 the Tribunal requested further information including :-
  - The application form E refers to grounds 1 and 12. These are not grounds which apply to assured tenancies under the 1988 Act. The AT6 makes

reference to ground 8. Please provide an amended application form which refers to the correct ground.

- The notice to quit appears to be invalid as the date specified does not coincide with an ish date of the tenancy. As a valid Notice to quit is required, please explain why the Tribunal can consider the application.
- If the EV application is to proceed, please provide;- (a) A copy of the section 11 notice sent to the local authority and evidence that it was sent. (b) Evidence of service of the Notices on the Respondents (c) A further copy of the AT6 notice as it is not legible (d) If you have complied with the Rent Arrears Pre Action Requirements (Coronavirus) (Scotland) Regulations 2020, evidence of compliance.
- For both applications, please provide a clearer rent statement which shows the rent due, the rent payments received and the running total outstanding. This should be typed, if possible. Please also explain why the rent statement lodged appears to show that the rent due is £535 although the tenancy agreement says £500. Please also explain why ground 8 is applicable (if this is the ground relied on) as this requires at least three months rent to be in arrears. The statement indicates that the arrears are £1295 and this is the figure also owing in March 2021, when the notice appears to have been served. This is less than 3 months rent.

3. No response has been forthcoming from the applicant.

## **DECISION**

4. I considered the application in terms of Rule 8 of the 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."

5. After consideration of the application, the attachments and correspondence from the applicant, I consider that the application should be rejected on the basis that I have good reason to believe that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Procedural Rules.

## **REASONS FOR DECISION**

6. The Tribunal had requested further information to support this application from the applicant. The applicant has not provided the information requested.
7. The applicant's failure to provide the requested information to support the application gives me good reason to believe that it would not be appropriate to accept the application in circumstances where the applicant is apparently unable to do so in order to progress these applications under rule 65 and rule 70.
8. Accordingly, for this reason, the applications must be rejected upon the basis that I have good reason to believe that it would not be appropriate to accept the applications within the meaning of Rule 8(1)(c) of the Procedural Rules.

## **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.

# M Barbour

Melanie Barbour

Legal Member

2022