

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

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**Decision with Statement of Reasons of Alan Strain, Legal Member of the First-tier Tribunal with delegated powers of the Chamber President of the First-tier Tribunal for Scotland (Housing and Property Chamber)**

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

**Chamber Ref: FTS/HPC/EV/22/3901**

**Re: 295 Wishaw Road, Wishaw, ML2 8EZ ("the Property")**

**Parties**

**Mr Robert Gladdis (Applicant)**

**Miss Carrie-May Dougan (Respondent)**

**Empire Property (Applicant's Representative)**

**Tribunal Member:**

**Alan Strain (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the application should be dismissed on the basis that it would not be appropriate to accept the application in terms of Rule 8(1)(c).**

**Background**

1. The application was received by the Tribunal under Rule 65 on 24 October 2022.
2. The application was considered by the Tribunal and further information was requested by letters of 11 January 2023 and reminder of 1 March 2023. The Applicant was asked to:

*"Before a decision can be made, we need you to provide us with the following: • Please provided an amended application to show who the applicant is; and provide a home*

*address for the applicant; or explain why a care of address requires to be used in this application. • Please provide written authorisation from the applicant(s) that the representative is instructed to act for them in this matter. • Please amend the application to clarify that you do not seek eviction under ground 10 or if you do, then provide a copy of the notice given by the tenant that she wishes to terminate tenancy; and in addition you must provide a copy of an AT6 Notice which includes ground 10 (there is no reference to ground 10 in the AT6 submitted). • Please provide evidence to support grounds referred to in the application. Please reply to this office with the necessary information by 25 January 2023. If we do not hear from you within this time, the President may decide to reject the application."*

3. The information was not received.

### **Reasons for Decision**

4. The Tribunal 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;·*  
*(c) they have good reason to believe that it would not be appropriate to accept the application;*

*(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. Rule 65 provides for certain information to be supplied with an application:

### **Application for order for possession in relation to assured tenancies**

**65.** Where a landlord makes an application under section 18(1) (orders for possession) of the 1988 Act, the application must—

(a)state—

(i)the name, address and registration number (if any) of the landlord;

(ii)the name, address and profession of any representative of the landlord;

(iii)the name and address of the tenant; and

(iv)the possession grounds which apply as set out in Schedule 5 of the 1988 Act;

(b)be accompanied by—

- (i) a copy of the tenancy agreement (if available) or, if this is not available, as much information about the tenancy as the landlord can give;
- (ii) a copy of the notice served on the tenant by the landlord of intention to raise proceedings for possession of a house let on an assured tenancy;
- (iii) a copy of the notice to quit served by the landlord on the tenant (if applicable); and
- (iv) evidence as to the applicant has that the possession ground or grounds has been met; ...
- (v) a copy of the notice given to the local authority by the landlord under section 11 of the Homelessness (Scotland) Act 2003 (if applicable), and
- (vi) a copy of Form BB (notice to the occupier) under schedule 6 of the Conveyancing and Feudal Reform (Scotland) Act 1970 (if applicable), and
- (c) be signed and dated by the landlord or a representative of the landlord.

The applicant failed to produce evidence to support the application that had been requested. In particular, the Applicant was not clearly identified, the AT6 did not contain the Ground relied upon and no evidence was produced in support of the Ground for eviction all as required in Rule 65 (a) (i) and (b) (ii) & (iv). The application could not proceed without the required information.

6. The Tribunal consider that there is good reason why the application should not be accepted. The application is accordingly rejected.

### **Right of Appeal**

**In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal 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.**

Alan Strain

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**Legal Member/Chair**

**28 April 2023**

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**Date**