



**Decision and statement of Reasons of the First Tier Tribunal (Housing and Property Chamber)**

**Under Rule 8 of the First Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ‘the Rules’.**

In respect of application by Mr Brian Morrison of SIL Property LTD, ostensibly in terms of rule 65 of the Rules.

**Case reference FTS/HPC/EV/22/4363**

At Glasgow on the 12 May 2023, Lesley Anne Ward, legal member of the First –Tier Tribunal ‘the Tribunal’ with delegated powers of the Chamber President, rejected the above Application in terms of Rule 8(1) (c) of the Rules

1. This is an Application by Mr Brian Morrison of SIL Property LTD for eviction. The Application was made in terms of rule 65 however the documents accompanying the Application were in relation to rule 66.
2. The in-house convenor initially reviewed the Application and the Tribunal wrote to the Applicant on 23 December 2022 as follows:

The Cost of Living (Tenant Protection) (Scotland) Act 2022 applies to your application for eviction. We have attached information on the options available to you and ask that you respond. Please respond by 6th January 2022, failing which it will be assumed that you do not want to withdraw the application or seek to make amendments.

3. The Applicant did not respond to this request and indeed the request was framed in such a way that the Applicant was not invited to respond if he had no amendments to make in the light of the Cost of Living (Tenant Protection)(Scotland) Act 2022. The Tribunal sent two reminders to the Applicant on 30 January 2023 and 3 March 2023. The Applicant did not respond to either letter.

4. At a further review by the in-house convenor on 6 April 2023 it was noted that the Application could not be accepted as the Application was in terms of rule 65 whereas all of the supporting documentation was in terms of rule 66. The Tribunal therefore wrote to the Applicant in the following terms:

On the first page of the application form, you have ticked the first box which relates to applications under rule 65. However, at section 5 of the application, you have referred to rule 66. If you wish to proceed on the basis of rule 66, please provide an amended application with the correct box ticked on the first page. Please reply to this office with the necessary information by 20 April 2023. If we do not hear from you within this time, the President may decide to reject the application.

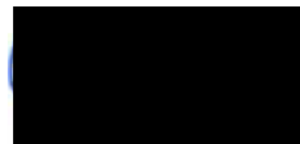
5. The Applicant did not respond to this and indeed the Tribunal have not heard from the Applicant for some months. The Tribunal have written three times this year and the Applicant has not responded. The tribunal can reject an application in terms of Rule 8(c) if they have good reason to believe that it would not be appropriate to accept it. There has been no communication from the Applicant for several months. Further, he has not sought to amend his Application to rule 66 and it cannot be accepted until this is done. He has failed to respond to the Tribunal's letter of 6 April 2023. I therefore have good reason to consider that it would not be appropriate to accept this Application as the Applicant has failed to cooperate with the Tribunal in the execution of its duties.

**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 this 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 them. Information about the appeal procedure can be forwarded on request.



Lesley Anne Ward

Legal Member