



**DECISION AND STATEMENT OF REASONS OF David M Preston, 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**

Flat 3/3, 27 Elizabeth Street, Glasgow G51 1SP

Case Reference: FTS/HPC/EV/19/3243

**Ms Madelaine Emily Holtham or Farrand, 114 Norse Road, Glasgow G15 9EQ per
Sheridans, 166 Buchanan Street, Glasgow G15 9EQ ("the applicant")**

**Miss Alyaanah Alaana Abubakar, formerly Maymunah Kauser Ilyas, Mr Abubakar Warsi,
residing at the property ("the respondent")**

1. An application dated 27 November 2019 was received from the applicant under Rule 65 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Rules 2017 ("the rules") being an application by private landlord for an order for possession under an Assured Tenancy under the Housing (Scotland) Act 1988. The following documents were enclosed with the application:-
 - Tenancy Agreement dated 14 November 2012
 - AT6
 - AT5
 - Evidence of Rent arrears
 - Notice to Quit
 - Deed of Change of Name

2. By letter dated 18 November 2019 the Tribunal requested further information from the applicant to be supplied by 2 December 2019. On 10 December 2019 the landlord's agent submitted details of the landlord's registration certificate as had been requested but did not provide authorisation from Ms Lorraine Smith the registered co-proprietor of the property to enable him to act on her behalf. On 13 December 2019 a reminder letter was sent to the applicant requesting the outstanding information by 27 December 2019. Further reminders were sent on 6 and 27 January and 14 February 2020. As at today's date, the applicant has failed to respond to this request.

DECISION

3. 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."

4. After consideration of the application, and the 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

5. On 12 December 2019 the applicant was asked to provide further information in relation to the validity of the Notices to Quit or written submissions in relation thereto. A reminder was sent on 7 January 2020 and on 29 January 2020a further request was made for the applicant to provide: submissions on the sufficiency of the Notice to Quit relied upon or on whether section 18(6) of the 1988 Act applies; or copies of valid Notices to Quit together with service of same.
6. The applicant has failed to respond to the Tribunal's request for further information, which information the Tribunal requires in order to determine whether or not the application can proceed. I consider that the applicant's failure to respond to the Tribunal's request gives me good reason to believe that it would not be appropriate to accept the application in circumstances where the applicant is apparently unwilling or unable to respond to the Tribunal's enquiries in order to progress this 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.

D Preston

Legal Member/Chair

David M Preston

19 March 2020

