



Decision with Statement of Reasons of Karen Moore, 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 (Procedure) Regulations 2017 (“the Rules”)

Chamber Ref: FTS/HPC/EV/23/1721

Stoneville Investments Limited, 62, Main Street, Oakham, Rutland, LE15 9LT (Applicant) per their agents Clyde Valley Lets C/O 50 Scott Street Motherwell ML1 1NP (Applicant’s Representative)

Carole McNeil residing at 41 Leven Street, Motherwell, ML1 2SY (Respondent)

41 Leven Street, Motherwell, ML1 2SY (House)

Tribunal Member:

Karen Moore (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 66 on 25 May 2023.
2. The application was considered by the Tribunal and further information was requested by email of 3 and 29 July, 23 August and 18 September, all 2023. Although responses were received from the Applicant’s Agents, insufficient information was received to establish that the correct statutory procedure had been followed in terminating the tenancy. The Applicant’s Agents were advised that the application should be withdrawn or that it would be rejected.

Reasons for Decision

3. 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."

4. Rule 66 of the Rules provides that an application for an eviction order must be accompanied by a copy of the statutory notices terminating the tenancy. The Tribunal cannot grant the application without this information.
5. The Tribunal consider that there is good reason why the application cannot be accepted. Accordingly, the application is 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.

K. Moore

Legal Member

24 October 2023
Date