



**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 Bridgeport Estates LTD in terms of rule 109 of the Rules.

**Case reference FTS/HPC/EV/23/3089**

At Glasgow on the 4 March 2024, 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 Steven Jackson Bridgeport Estates LTD for eviction in terms of rule 109 of the Rules. The application was made on 5 September 2023. There was a second application to recover rent arrears.
2. The in-house convenor reviewed the application and the Tribunal wrote to the Applicant on 28 September 2023 seeking further information as follows:

Before a decision can be made, we need you to provide us with the following:

- (1). The application specifies the Applicant as “Bridgeport Estates Limited” but it is noted that the title deeds and Landlord Registration in respect of the property show the proprietor/landlord as “Bridgeport Investments Limited”. Please confirm if you wish to amend the application to specify the Applicant as Bridgeport Investments Limited or, if not, please provide an explanation as to the link between the two companies?
- (2) . It is noted that the Notice to Leave served on the Respondent stipulates only one eviction ground (Ground 1 – landlord intends to sell) but the application itself refers to 3 separate grounds (Grounds 1, 11 and 12). Please confirm if you wish to amend the application to stipulate ground 1 only. If not, please provide an explanation as to the validity of the Notice to Leave, given that it only notifies the Respondent of one of the grounds for eviction.
- (3). A request has previously been issued dated 6/9/23, requesting that you submit evidence showing that the eviction ground(s) has been met. If you wish to proceed on Ground 1 – landlord intends to sell, in terms of that

ground, you require, in terms of the 2016 Act, to provide evidence tending to show that the landlord has this intention, which can include, for example, a letter of engagement from a solicitor or estate agent concerning the sale of the let property. If you wish to proceed on Ground 11 – tenant has breached a term of the tenancy, please provide specification/evidence of same. Please reply to this office with the necessary information by 12 October 2023.

If we do not hear from you within this time, the President may decide to reject the application.

3. A representative appearing to act on behalf of the Applicant but not referred to in the application wrote to the Tribunal on 6 October 2023 with an updated application form, rent statement and an email confirming an intention to sell.
4. The Tribunal sent a further letter on 30 October 2023 as follows:

A legal member of the Tribunal with delegated powers of the Chamber President has further considered the application and has determined that the following information requires to be provided before the application can progress:-

- (1) It is noted that in your response dated 6 October 2023 to the original information request from the Tribunal dated 28 September 2023, although you have responded to points 1 and 3, you do not appear to have responded to point 2 regarding the detail of the Notice to Leave which was as follows:- “  
It is noted that the Notice to Leave served on the Respondent stipulates only one eviction ground (Ground 1 – landlord intends to sell) but the application itself refers to 3 separate grounds (Grounds 1, 11 and 12). Please confirm if you wish to amend the application to stipulate ground 1 only. If not, please provide an explanation as to the validity of the Notice to Leave, given that it only notifies the Respondent of one of the grounds for eviction.
- (2) It is also noted that the communications with the Tribunal in respect of this application have been through yourselves, Rosemount Fabrics Limited. If it is intended that Rosemount are the Applicant company’s representatives in relation to this application, could that be indicated please and could the Applicant company please provide their written mandate that they are authorising Rosemount to act for them in that capacity in relation to this application?  
Please reply to this office with the necessary information by 13 November 2023. If we do not hear from you within this time, the President may decide to reject the application.

5. The application was not amended and no mandate was provided. The Tribunal sent a further request for information on 30 November 2023 as follows:

Your further information has been assessed by a Legal Member of the Tribunal with the delegated authority of the Chamber President. The Legal Member has requested the following information or documentation:

FTS/HPC/EV/23/3089

- (1). You have now provided, with no explanation and no proper response, a further Notice to Leave with the same date as the original Notice to Leave, with further boxes ticked in respect of the grounds of eviction.

Please explain the circumstances around the serving of the Notice to Leave. Were two Notices to Leave served by email at 17.12 on 14th March 2023, and if so, why? Or, is it the case that you have recently amended the Notice to Leave to add the additional grounds? If so, that is not acceptable, and the amended Notice to Leave is invalid. Please consider this matter properly and provide a proper response, and an amended application form if appropriate.

FTS/HPC/EV/23/3089 & FTS/HPC/CV/23/3091

(2) For some reason, you have provided all the supporting documentation again, and this has come from a third party. Please explain why you have provided this information again, and whether these are duplicates of the original documentation. If so, please withdraw them.

(3) You have not provided the written mandate requested or a response in regard to the involvement of Rosemount Fabrics Limited. Please reply to this office with the necessary information by 14 December 2023. If we do not hear from you within this time, the President may decide to reject the application.

6. No reply was received. A reminder was sent on 18 January 2024 and no reply has been received.
7. Rule 8(1) (c) provides that the Chamber President must reject an application if they have good reason to believe it would not be appropriate to accept it. I have good reason to consider that it would not be appropriate to accept this application as it is incomplete and the Applicant and their purported representative have 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