



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 Mrs Catherine and Mr Nigel Collins in terms of Rule 65 of the Rules.

Case reference FTS/HPC/EV/23/4292

At Glasgow on the 13 May 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)(a) and (c) of the Rules.

1. This is an application for eviction by Mrs Catherine and Mr Nigel Collins in terms of rule 66 of the Rules. The application was made on their behalf by Ms Jennifer Mc Millan, lettings manager of Paccitti Jones.
2. The application was dated 27 November 2023 and received by the Tribunal on 1 December 2023.
3. The application was accompanied by the following:-
 1. Tenancy agreement for let of the property from 16 June 2017 until 16 June 2018.
 2. Section 33 notice dated 24 August 2023.
 3. Notice to quit dated 24 August 2023.
 4. AT5.
 5. Section 11 notice.
4. The application was incomplete and the Tribunal wrote to the applicant’s representative on 1 December 2023 as follows:

The following further information is required from you before your application can proceed to the Chamber President for consideration:

- evidence of the notice given to the tenant under section 33(1)(d) of the 1988 Act being served by the landlord on the tenant
- evidence of the notice to quit being served by the landlord on the tenant Please reply to this office with the necessary information by 8 December 2023, otherwise the application may be rejected.

5. The applicant's representative responded on 8 December 2023 by providing proof of posting and proof of delivery certificates.
6. The in-house convenor reviewed the application and the Tribunal wrote to the applicant's representative on 10 January 2024 as follows:
 - (1) We asked you for proof of service of the notices. There are two tenants and two sets of notices but you have only provided one proof of posting and delivery. Please provide proof of delivery on each tenant. If the two notices were posted together please tell us how the envelope was addressed.
 - (2) Please provide proof of service of the section 11 notice.
 - (3) You have told us the property is needed for the applicant's son to live in. The tribunal will require to be satisfied that it is reasonable in all of the circumstances to grant the eviction so please provide any information you have in support of this.
7. The applicant's representative did not respond. Reminders were sent on 27 February 2024 and 5 April 2024. No reply has been received.
8. Rule 8 (c) of the Rules provides that the Tribunal 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's representative has failed to cooperate with the Tribunal in the execution of its duties. She has not communicated with the Tribunal since 8 December 2023 and has not replied to the reasonable request for further information made in January, February and April 2024.

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