



**DECISION AND STATEMENT OF REASONS OF JOSEPHINE BONNAR,
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 Procedure Rules")**

Case Reference: FTS/HPC/PR/23/4514

Bayview House, Dunure Road, Ayr ("the Property")

Charlotte Sloan, Address Unknown ("the Applicant")

Katrina McDonald, 7 Criagsheen Avenue, Glasgow ("the Respondent")

1. The Applicant lodged an application for a wrongful termination order in terms of Rule 110 of the Procedure Rules and Section 58(2) of the Private Housing Tenancies (Scotland) Act 2016 ("the 2016 Act"). A Notice to leave was submitted in support of the application.
2. The Tribunal issued a request for further information on 18 January 2024. The Applicant was directed to provide an address, or explain her reasons for refusing to provide this, and information/evidence that showed that the tenancy was unlawfully terminated. The Applicant did not respond to the request or to a reminder issued on 6 March 2024.

Decision

3. After consideration of the application the Legal Member considers that the application should be rejected in terms of Rule 8(1)(c) which states that an application must be rejected if the Tribunal has "good reason to believe that it would not be appropriate to accept the application."

Reasons for decision

4. Rule 5 of the Procedure Rules states that an application "is held to have been made on the date that it is lodged if, on that date, it is lodged in the manner as

set out in...” the relevant Rule. In terms of Rules 5(2) and (3) the Chamber President or a Member with delegated powers must assess whether the “mandatory requirements for lodgement have been met” and “may request further documents”.

5. The application was lodged in terms of Rule 110. This Rule requires an Applicant to provide their address and states that the application must be accompanied by “evidence showing that the tenancy was unlawfully terminated”. The Applicant has failed to provide an address. She has also failed to provide evidence that the tenancy was unlawfully terminated. A notice to leave was submitted on ground 4 of Schedule 3 of the 2016 Act. However, the Applicant has not claimed that the Respondent has not moved into the property or that the property has been sold or re-let. The Applicant has also failed to provide the information and documents when directed to do so in terms of Rule 5(2) and (3) of the Procedure Rules
6. The Applicant has failed to comply with Rules 5 and 110 of the Procedure Rules. In the circumstances, the Legal Member is satisfied that there is good reason to believe that it would not be appropriate to accept the application. The application is rejected on that basis.

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.

Josephine Bonnar, Legal Member
30 April 2024