



**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 Fixrole Ltd in terms of rule 109 of the Rules.

**Case reference FTS/HPC/EV/23/2714**

At Glasgow on the 20 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) (c) of the Rules

1. This is an application for eviction by Fixrole Ltd in terms of rule 109 of the Rules. The application was made on their behalf, ostensibly by Mr Rizvan Aboobaker of Baker Bradley. The application was dated 8 August 2023 and received by the Tribunal on 11 August 2023.
2. The in-house convenor reviewed the application and the Tribunal wrote to the Applicant’s representative on 28 September 2023 seeking further information as follows:

I refer to your recent application which has been referred to the Chamber President for consideration. Before a decision can be made, we need you to provide us with the following:

- (1) The application has been made prematurely without allowing the notice period to expire. Please provide your written representations as to why the Tribunal should find it reasonable to accept such an application.
- (2) You have not provided a mandate from the Applicant authorising you to act on their behalf.
- (3) You state in the application form that you are proceeding on ground 8A, but there is no ground 8A in the Private Housing (Tenancies) (Scotland) Act 2016.
- (4) You have not provided any evidence of service of the Notice to Leave upon the Respondent, despite a request for this evidence.
- (5) You have not provided any evidence of service of the section 11 notice upon the local authority, despite a request for this evidence.

(6) You have not provided any evidence that the Applicant has complied with the Rent Arrears Pre Action Requirements (Coronavirus) (Scotland) Regulations 2020. Compliance is taken into account when the Tribunal assesses whether it is reasonable to grant an eviction order.

Please reply to this office with the necessary information by 2 October 2023. If we do not hear from you within this time, the President may decide to reject the application.

3. The Applicant's representative has not responded to this email and he has not provided a mandate confirming he is instructed. The Tribunal sent a reminder on 8 November 2023 and 19 January 2024.
4. The in-house convenor reviewed the application on 14 March 2024 and instructed the Tribunal administration to send a letter to the representative by post, rather than an email. The letter of 14 March 2024 generated a reply from Bradley Baker stating:

We do not have any relation to the property mentioned in the letter received.

5. 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's purported representative has failed to cooperate with the Tribunal in the execution of its duties. Further, the Tribunal has contacted the representative at the address given in the application and it appears that Bradley Baker have no involvement with the property.

**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