



## 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 Mr Craig Oliver in terms of rule 65 of the Rules.

Case reference **FTS/HPC/EV/23/4289**

At Glasgow on the 12 June 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 Craig Oliver for eviction in terms of rule 65 of the Rules. The application was dated 29 November 2023 and received by the Tribunal on 1 December 2023.
2. The in-house convenor reviewed the application and the Tribunal wrote to the Applicant on 5 January 2024 seeking further information as follows:

I refer to your recent application which has been referred to the Chamber President for consideration. Thank you for your Application in terms of Rule 65 of the Tribunal Rules and the Housing (Scotland) Act 1988.

  - In order to process your application, please provide a copy of the AT5 served on the tenant before the tenancy commenced together with proof of service.
  - Please also provide the consent of the second-named landlord, Rochelle Oliver, or amend the application to include Rochelle Oliver as an Applicant. Please reply by 24 January 2024 or your application might be rejected.
3. The Applicant responded on 5 January 2024. He submitted a letter of consent from the joint landlord. He stated that he did not have an AT5 and he was relying on the agreement being an assured tenancy rather than a short assured tenancy.

4. The Tribunal sent a further request to the Applicant for information on 19 February 2024 as follows:

It appears that the Notice to Quit may be invalid. It is not clear if it has been served to an ish date of the tenancy.

The start date of the tenancy is not clear in the tenancy agreement. If it is 1st December 2016 (the date on which the first rent payment was due) or 6th November 2016 (the date of signing), then the Notice to Quit has not been served to an ish date. Furthermore, an inadequate period of notice has been given by the Notice to Quit. You may wish to take advice on your options, including whether you wish to proceed in terms of section 18(6) of the Housing (Scotland) Act 1988.

Please reply to this office with the necessary information by 4 March 2024. If we do not hear from you within this time, the President may decide to reject the application.

5. The Applicant did not respond. A reminder was sent on 2 April 2024 and the Applicant has not made a response.
6. Rule 8 (1) (c) of the rules 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 in the absence of a valid notice to quit the application is incomplete. The applicant has failed to respond to two requests for information and has therefore failed to cooperate with the Tribunal in the execution of its duties. It is open to the applicant to make a new application and indicate whether he wishes to proceed in terms of section 18(6) of the Housing (Scotland) Act 1988.

**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

