



**Decision with Statement of Reasons of Karen Moore, Legal Member of the First-tier Tribunal with delegated powers of the Chamber President of the First-tier Tribunal for Scotland (Housing and Property Chamber), under Rule 8 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)**

**Case reference FTS/HPC/EV/23/4487**

**Parties**

**Sharon Milton (Applicant)**

**Miss Tracy Scott (Respondent)**

**MacKenzie Way (Applicant’s Agents)**

**37 Culzean Place, Kilwinning, KA13 6TN (House)**

**Tribunal Member:**

**Karen Moore (Legal Member)**

**Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be dismissed on the basis that it would not be appropriate to accept the application in terms of Rule 8(1)(c).

**Background**

1. The application was received by the Tribunal under Rule 109 on 13 December 2023.
2. The application was considered by the Tribunal and the Applicant’s Agents were advised that the Application did not conform to Rule 109 as Rule 109 does not apply to short assured tenancy agreements. The Applicant’s Agents were advised that if the application is to proceed, it should be submitted under under Rule 66 as you have lodged a notice to quit and section 33. The Applicant’s Agents were asked to provide further essential information being consent of or inclusion of the joint owner, evidence of service of the statutory notices, evidence that the section 11 was sent to the local authority and a

copy of the AT5 notice given to the tenant. Notice to Leave was not compliant with the Act in respect of both format and issue. The Applicant's Agents were advised of this by correspondence dated 12 April 2024 and 14 May 2024. On each occasion the Applicant's Agents were advised that failure to produce the required information might mean that the Application would be rejected in terms of Rule 8 of the Rules. The correspondence of 14 May 2024 gave a time limit for reply of 28 May 2024. No reply was received.

### **Reasons for Decision**

3. The Tribunal considered the application in terms of Rule 8 of the Chamber Procedural Rules. That Rule provides:- *"Rejection of application 8.-(1) The Chamber President or another member of the First-tier Tribunal under the delegated powers of the Chamber President, must reject an application if- (a) they consider that the application is frivolous or vexatious; (c) they have good reason to believe that it would not be appropriate to accept the application; (2) Where the Chamber President, or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, makes a decision under paragraph ( 1) to reject an application the First-tier Tribunal must notify the applicant and the notification must state the reason for the decision."*
4. The Act and the Rules require the Applicant to comply with the statutory procedure for termination of tenancies and provide evidence of this with the application. Tribunal cannot grant the application without this information.
5. The Tribunal consider that there is good reason why the application cannot be accepted. Accordingly, the application is rejected.

### **Right of Appeal**

**In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal 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.**

**Karen Moore**

---

**Legal Member**

**Date**

**28 June 2024**