

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of Karen Moore, Legal Member of the Firsttier 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/24/1170

Parties

F S Dreams Ltd, Company, F S Dreams Ltd, Company (Applicant)
Miss Patricia Arlow (Respondent)

Corbett and Shields (Applicant’s Representative)

35 Robert Street, Port Glasgow, PA14 5RH (House)

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 12 March 2024.
2. The application was considered by the Tribunal and further information was requested by emails of 12 March 2024 and 16 April 2024 requesting that the Applicant submit evidence to show that the correct statutory processes had been carried out and that the eviction grounds had been met. The Applicant was given the date of 30 April 2024 to reply and was warned that failure to do so might result in the application being rejected.
3. The Applicant failed to reply and failed to submit the documentation necessary for the application to be accepted.

Reasons for Decision

4. 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."

5. Rule 109 of the Rules provides that an application for an eviction order must be accompanied by evidence that correct statutory processes have been carried out and that the eviction grounds have been met. In this case, the Applicant has failed to provide the required documentation. The Tribunal cannot grant the application without this information.
6. 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

17 June 2024