



**Decision with Statement of Reasons of H Forbes, 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 Rules of Procedure 2017 ("the Rules")**

**Chamber Ref: FTS/HPC/EV/24/0812**

**Re: 199 Bonnyton Drive, Eaglesham, G76 0NQ ("the Property")**

**Parties:**

**Janine Purewal ("the Applicant")**

**Nabilah Arshad ("the Respondent")**

**Tribunal Member:**

**H Forbes (Legal Member)**

**Decision**

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

**Background**

1. The application was received by the Tribunal under Rule 65 on 6<sup>th</sup> February 2024 with associated documents.
2. The application was considered by a legal member of the Tribunal and by email dated 8<sup>th</sup> March 2024, the Applicant was asked to provide the following:
  1. An amended application form that sets out the relevant eviction grounds.
  2. A copy of the tenancy agreement or as much information about the tenancy as you can provide. This must include the start date.
  3. A copy of the notice to quit and AT6 notice with evidence that they have been served on the Respondent.
  4. A copy of the section 11 notice with evidence that it has been sent to the Local Authority.
  5. Evidence in support of the eviction grounds.

6. Evidence of landlord registration.

Please note that the application cannot be accepted without the documents specified in 1 to 5 above. Please reply to this office with the necessary information by 3 April 2024. If we do not hear from you within this time, the President may decide to reject the application.

3. By email dated 24<sup>th</sup> March 2024, the Applicant lodged a copy of a Notice to Leave with evidence of service.
4. The application was considered by a legal member of the Tribunal and by email dated 22<sup>nd</sup> April 2024, the Applicant was asked for the following:
  1. The Notice to Leave submitted by you suggests that the Applicant has been in the property as a tenant since 2016. If that is the case the paperwork you have used may be incorrect as it relates to tenancies created on or after 1st December 2017. If you do not have the tenancy agreement please give us all of the information you have regarding the tenancy including the start date. If you do have the tenancy agreement please submit this to us.
  2. If the tenancy started on or after 1st December 2017 please submit your application using the correct application form.
  3. We require the Notice sent to the local authority in terms of section 11 of the Homelessness etc. (Scotland) Act 2003 and evidence showing that this was sent.

We strongly advise that you take legal advice on these matters and you may be able to access this from CAB, or a local law centre. You can find links to bodies which may be able to offer assistance on the Tribunal website. Please reply to this office with the necessary information by 7 May 2024. If we do not hear from you within this time, the President may decide to reject the application.

No response was received.

5. A further opportunity to submit the requested documentation within seven days was provided to the Applicant by email dated 24<sup>th</sup> May 2024. No response was received.
6. The application was considered by a legal member on 27<sup>th</sup> June 2024.

### **Reasons for Decision**

7. 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."*

8. The Tribunal has requested further information from the Applicant in order to determine the type of tenancy agreement, whether the application has been made under the correct rule, and whether the correct notice has been served upon the Respondent. The Applicant has failed to respond in full to the Tribunal's request for further information and documents.
9. The Applicant has also failed to provide the notice required by section 56 of The Private Housing (Tenancies) (Scotland) Act 2016 or section 19A of the Housing (Scotland) Act 1988.
10. It would not be appropriate for the Tribunal to accept an application which is incomplete and does not meet the lodging requirements in terms of rule 65 or Rule 109 of the Procedure Rules and the requirements for a valid application stated in the 1988 and 2016 Acts as set out above.
11. The application is accordingly 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.**

# H Forbes

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Legal Member/Chair

27<sup>th</sup> June 2024  
Date