



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/24/1110

Parties

Mr Mohammed Anwar (Applicant)

Miss Ashley Wilson (Respondent)

135/1 Lochend Gardens, Edinburgh, EH7 6DF (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 6 March 2024.
2. The application was considered by the Tribunal and the Applicant was advised that the Application did not conform to Rule 109. In particular, the Applicant was advised as follows :” You have lodged an application under Ground 1A (Landlord intends to sell the Property to alleviate financial hardship). The Notice to Leave notifies the Respondent that you are seeking to recover possession under Ground 1 (Landlord intends to sell the Property). If you intend to proceed under Ground 1 only please confirm. If you intend to proceed under Ground 1A you will need to provide evidence of financial hardship and apply to the Tribunal allow Ground 1A to be considered despite not having been included in the Notice to Leave. You will have to state why it would be reasonable for the Tribunal to do so and this matter would be

determined at any subsequent case management discussion. 2. Please produce a copy of the section 11 Homelessness Notice served on the local authority along with proof of service. The letter from your solicitor is not sufficient." The Applicant was later advised that proof of issue of the Notice to Leave was also required. Although the Applicant provided further information, the information was not sufficient to comply with the Act and with Rule 109.

3. The Applicant was advised of the information required by emails of 8 March, 22 April and 12 June, all 2024. On all occasions the Applicant was 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 12 June 2024 gave a time limit for reply of 26 June 2024. No reply was received.

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. 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.
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.

K Moore

Legal Member

Date

3 July 2024