



**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/24/0656

**Parties**

**Mr Donald Macfadyen (Applicant)**

**Mr Alister Burnett (Respondent)**

**104 A High Street, Lanark, ML11 7ES (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 9 February 2024.
2. The application was considered by the Tribunal and the Applicant was advised that the Application did not conform to Section 51 of the Private Housing (Tenancies) Act 2016 and Rule 109. In particular, the Applicant was advised as that there was not a valid Notice to Leave. The Applicant was advised of the information required by emails of 13, March, 16 April, 23 May and 28 June, all 2024. 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 28 June 2024 gave a time limit for reply of 12 July 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

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Legal Member

Date

13 August 2024

