



Decision and statement of Reasons of the First Tier Tribunal (Housing and Property Chamber)

Under Rule 8 of the First Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ‘the Rules’.

In respect of application by Ms Yan Li in terms of Rule 66 of the Rules.

Case reference FTS/HPC/ EV/24/2506

At Glasgow on 2 September 2024, Lesley Anne Ward, legal member of the First –Tier Tribunal ‘the Tribunal’ with delegated powers of the Chamber President, rejected the above application in terms of Rule 8(1) (c) of the Rules.

1. This is an application by Ms Yan Li in terms of rule 66 of the Rules.
2. The application was dated 1 June 2024 and received by the Tribunal on 4 June 2024.
3. The application was incomplete and the Tribunal wrote to the applicant on 4 June 2024 as follows:

The following further information is required from you before your application can proceed to the Chamber President for consideration:

- the notice by landlord that the tenancy is a short assured tenancy (“AT5”)
 - the notice given to the tenant under section 33(1)(d) of the 1988 Act
 - evidence of the notice given to the tenant under section 33(1)(d) of the 1988 Act being served by the landlord on the tenant
 - the Notice to Quit
 - evidence of the notice to quit being served by the landlord on the tenant
 - a copy of the notice by the landlord given to the local authority under section 11 of the Homelessness (Scotland) Act 2003 (if applicable)
 - evidence of the notice by the landlord given to the local authority under section 11 of the Homelessness (Scotland) Act 2003 (if applicable) being provided to the local authority
4. The applicant responded on that date by providing a copy of an AT6, section 33 notice and a section 11 notice.

5. The in-house convenor reviewed the application and the Tribunal wrote to the applicant on 20 June 2024 as follows:
A Legal Member of the Tribunal with delegated powers of the President has considered your application.
(1) Please clarify the correct name of the Applicant. The title deeds state that the owner is Yan Li Chong. Landlord registration indicates it is Yvonne Lee.
(2) Please clarify if you wish to proceed under Rule 66 or 65 as you have lodged notices relevant to both.
(3) If you wish to proceed under Rule 66 please provide a copy of the AT5 notice given to the tenant before the start of the tenancy and evidence of service of the section 33
(4) If you wish to proceed under Rule 65 please provide a valid AT6 notice. Landlord intends to sell is not a valid ground under the 1988 Act. Please also provide evidence to support the relevant ground and evidence of service of the Notice.
(5) Please also provide a copy of the notice to quit with evidence of service on the tenant and a copy of the whole tenancy agreement. You may wish to take legal advice before you respond. Please reply to this office with the necessary information by 4 July 2024.
6. The applicant has not responded. A reminder was sent on 1 August 2024 and the applicant has not responded.
7. In terms of Rule 8(1) (c) of the Rules the Chamber President must reject an application if they have good reason to believe it would not be appropriate to accept it. I have reviewed this application today and I consider there are good reasons why it should not be accepted. It is incomplete and the applicant has failed to respond to a reasonable request by the Tribunal for further information and a reminder. The applicant has therefore failed to cooperate with the Tribunal in the execution of its duties.
8. It is open to the applicant to resubmit the application with the correct supporting information.

NOTE: What you should do now.

If you accept this decision there is no need to reply.

If you disagree with this decision you should note the following:

An applicant aggrieved by this decision of the Chamber President or any legal member acting under delegated powers 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 seek permission to appeal within 30 days of the date the decision was sent them. Information about the appeal procedure can be forwarded on request.

Lesley Anne Ward

Legal Member