



**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/24/2342

**Parties**

**Mr Steven McCrory (Applicant)**

**Ms Lynn McLean, Mr Robbie Hilston (Respondent)**

**Flat A, 223A Glasgow Road, Blantyre, G72 0YR (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 22 May 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 and that the statutory requirements set out in Rule 109 had not been met. The Applicant was advised of the information required by emails dated 12 and 22 June 2024 and was advised that if there was no response the application might be rejected. By email of 22 June 2024, the Applicant was asked to provide the information

by 24 July 2024 or the Application might be rejected in terms of Rule 8 of the Rules. No reply was received and the Application was not withdrawn.

### **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.**

# K.Moore

Legal Member

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Date

27 August 2024

