



**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 an application by Mr Nassir Mahmood in terms of rule 109 of the Rules.**

**Tribunal Reference FTS/HPC/EV/24/1571**

At Glasgow on the 12 August 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 Mr Nasir Mahmood, the owner of the property at 26 Riccarton Street Glasgow G42 7NX ‘the property’, for recovery of possession of the property in terms of Rule 66.
2. The application was dated 6 April 2024.
3. The in-house convenor reviewed the application and the Tribunal sent a request for further information on 23 May 2024 as follows:

Your application has been assessed by a Legal Member of the Tribunal with the delegated authority of the Chamber President. The Legal Member has requested the following information or documentation:

(1) You have not provided any evidence of how and when the notice to leave was served upon the Respondents. The tenancy agreement provides for service by email. If the notice was served by email on 15th November 2023, it is likely that the notice is invalid, as the date inserted at Part 4 of the notice is incorrect, and the period of notice is one day short of that required. Furthermore, Part 3 of the notice has been left blank, and this may also affect the validity. If you accept that the notice is invalid, please consider withdrawing the application. You may wish to take advice on this matter.

You should be aware of the following:

- (2) The Title Deed shows a joint owner of the property. If that is still the case, when making an application, you should consider whether they are to be a joint applicant or provide their written authorisation to you progressing the application in your sole name.
- (3) When making an application, you must provide a copy of a section 11 notice served upon the local authority with evidence of service.
- (4) When making an application, you must provide evidence to support the ground of eviction.

(5) It is not clear why you have inserted your own details into the application form as representative. Please reply to this office with the necessary information by 6 June 2024. If we do not hear from you within this time, the President may decide to reject the application.

4. The applicant has not responded. A reminder was sent on 4 July 2024. The applicant has not responded.
5. Rule 8(1)(c) of the Tribunal Rules requires the President to reject an application if they have good reason to believe it would not be appropriate to accept it. I consider I have good reason to believe it would not be appropriate to accept this application. The application is incomplete as no evidence has been provided in support of the eviction ground. It appears that the notice to leave may be invalid. Further, 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. It is open to the applicant to make a new 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