



**DECISION AND STATEMENT OF REASONS OF PETRA HENNIG MCFATRIDGE LEGAL  
MEMBER OF THE FIRST-TIER TRIBUNAL WITH DELEGATED POWERS OF THE CHAMBER  
PRESIDENT**

Under Rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules  
of Procedure 2017 ("the Procedural Rules")

in connection with

Case reference FTS/HPC/EV/24/3407

**Parties**

**Mr Vikas Chawla (Applicant)**

**Miss Karmjeet Pall (Respondent)**

**LetsBwise Glasgow Ltd (Applicant's Representative)**

**23 Glenhove Road, Cumbernauld, Glasgow, G67 2LG (House)**

1. The application dated 22.7.24 was received by the First-tier Tribunal, Housing and Property Chamber (FTT) by email from the applicant's representative. It was lodged under Rule 109 of the Procedural Rules and S 51 of the Private Housing (Tenancies)

(Scotland) Act 2016 (the 2016 Act). Included with the application were a notice to leave dated 15.4.24 served under ground 4 of schedule 3 of the Act and the S 11 notice stating as landlord Vikas Chawla, who is also the only applicant, the tenancy agreement showing only Rizwana Naseem Ali as the landlord, as well as an email dated 15.4.24 from LBW to the tenant advising her that her landlord, Ms Ali, was sending her a Notice to Leave as the landlord intends to live in the property. Further included was an authorisation letter from Mr Chawla to LBW dated 22.7.24 and a letter from Mr Chawla stating he wished to move into the property. The application provides no address for Mr Chawla and only gives his name and telephone number. The landlord register does not show the property as a registered property.

2. The FTT wrote to the Applicants' agent on 20.8.24 asking for an explanation regarding the Applicant differing from the landlord and asked for landlord registration details. The FTT gave as the date for a reply 3.9.24. No reply was received.
3. All documents contained in the case file are referred to for their terms and held to be incorporated herein.

## **DECISION**

4. I considered the application in terms of Rule 8 of the 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;*

*(b) the dispute to which the application relates has been resolved;*

*(c) they have good reason to believe that it would not be appropriate to accept the application;*

*(d) they consider that the application is being made for a purpose other than a purpose specified in the application; or*

*(e) the applicant has previously made an identical or substantially similar application and in the opinion of the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, there has*

*been no significant change in any material considerations since the identical or substantially similar application was determined.*

*(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. After consideration of the application, the attachments and correspondence from the Applicant, I consider that the application should be rejected in terms of Rule 8 (c) of the Rules of Procedure on the basis as the FTT has good reason to believe that it would not be appropriate to accept the application.

#### **REASONS FOR DECISION**

6. Rule 109 of the Rules of Procedure states: **Application for an eviction order**  
**109.** Where a landlord makes an application under section 51(1) (for an eviction order) of the 2016 Act, the application must—
  - (a)state—
    - (i)the name, address and registration number (if any) of the landlord;
    - (ii)the name, address and profession of any representative of the landlord;
    - (iii)the name and address of the tenant; and
    - (iv)the ground or grounds for eviction;
  - (b)be accompanied by—
    - (i)evidence showing that the eviction ground or grounds has been met;
    - (ii)a copy of the notice to leave given to the tenant as required under section 52(3) of the 2016 Act; and
    - (iii)a copy of the notice given to the local authority as required under section 56(1) of the 2016 Act; and
  - (c)be signed and dated by the landlord or a representative of the landlord.
7. The application did not provide the address of the Applicant and thus does not comply

with the requirement in rule 109 (a) (i) of the Rules of Procedure.

8. It is not clear how the Applicant can rely on a Notice to Leave issued by the landlord Ms Ali on the basis that Ms Ali wished to occupy the property.
9. The FTT tried to obtain further information from the Applicant's agents but no reply has been received and thus it appears that the Applicant no longer wishes to pursue the matter.
10. It would not be appropriate to accept the application as it did not fully comply with the requirements of rule 109.
11. The application is thus rejected.
12. This does not prevent the Applicant from raising a fresh application once all required information/documentation is available.

### **What you should do now**

**If you accept the Legal Member's decision, there is no need to reply.**

**If you disagree with this decision:-**

**An applicant aggrieved by the 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 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. Information about the appeal procedure can be forwarded to you on request.**

Petra Hennig McFatridge  
Legal Member  
2 October 2024