



**DECISION AND STATEMENT OF REASONS OF JOSEPHINE BONNAR,  
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 Procedure Rules")**

**Case Reference: FTS/HPC/CV/24/2086**

**1/1 163 Byres Road, Glasgow ("the Property")**

**Matthew Floyd, Flat 8 35 Buccleugh Street, Glasgow ("the Applicant")**

**Kishwar Sarwar, 11 Mirrlees Drive, Glasgow ("the Respondent")**

1. The Applicant seeks an order for payment in terms of Rule 111 of the Procedure Rules and Section 71 of the Private Housing Tenancies (Scotland) Act 2016. The application relates to a rent payment made by the Applicant for the period 7 March to 6 April 2024.
2. In response to a request for information and documents, the Applicant lodged a copy of a tenancy agreement. This indicates that the Applicant and two other people were the joint tenants of the property. He also submitted a copy of an email to the Respondent terminating the tenancy. The email is dated 14 March 2024 and indicates that the other two tenants had given notice on 3 March 2024. The Tribunal issued requests for further information on 27 June and 15 August 2024. The Applicant was asked to clarify the legal basis for the application as his tenancy agreement required the tenants to give 28 days notice of termination. The Applicant failed to respond to both requests.

**Decision**

3. After consideration of the application, the Legal Member considers that the application should be rejected in terms of Rule 8(1)(c) of the Procedure Rules which states that an application must be rejected if the Tribunal has "good reason to believe that it would not be appropriate to accept the application."

## **Reasons for Decision**

4. The Applicant seeks to recover rent paid for the period 7 March to 6 April 2024. Although the other tenants appear to have given notice to the landlord on 3 March 2024, the Applicant did not do so until 14 March 2024. In terms of clause 24 of the tenancy agreement and Section 49 of the 2016 Act, a tenant must give a landlord 28 days notice of termination. As the Applicant did not give notice until 14 March 2024, the tenancy did not terminate until 11 April 2024. As such, the Applicant has not established a legal basis for seeking repayment of rent paid for this period.
5. The Applicant has not demonstrated a legal basis for his claim. In addition, he has failed to provide a response to requests for information from the Tribunal in terms of Rule 5(3) of the Procedure Rules. In the circumstances, the Legal Member is satisfied that there is good reason to believe that it would not be appropriate to accept the application. The application is rejected on that basis.

## **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.

Josephine Bonnar, Legal Member  
11 November 2024