

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rules 8(1) and 26 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.**

**Chamber Ref: FTS/HPC/EV/24/4052**

**11A Canal Street, Saltcoats, KA21 5HY ("the Property")**

**Parties:**

**Christopher Telfer ("Applicant")  
Mackenzie Way ("Applicant's representative")  
Sharon Neary ("Respondent")**

**Tribunal Member: Ruth O'Hare (Legal Member)**

**Decision**

**The Tribunal rejects the application by the Applicant received by it on 2 September 2024 under Rule 8(1)(c) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules").**

**Background**

- 1 On 2 September 2024 the Applicant submitted an application to the Tribunal under Rule 109 of the Rules seeking an eviction order against the Respondent.
- 2 On 3 September 2024 the Tribunal wrote to the Applicant's representative by email to advise that the application was incomplete. The Tribunal requested further information from the Applicant. In particular the Tribunal requested evidence that the notice to leave had been given to the Respondent. The Applicant's representative responded by email that same day with a certificate of service from Sheriff Officers.
- 3 Following review of the application by a legal member of the Tribunal with delegated powers of the Chamber President the Tribunal emailed the Applicant's representative again on 3 October 2024 in the following terms:-

*"A Legal Member of the Tribunal has reviewed your application. Before a decision can be made on whether your application can proceed to the next stage we require you to provide us with the following information:-"*

• Please provide a full copy of the notice to leave. The version you have provided does not include a signature or date.

• Please provide a completed version of the section 11 notice that was sent to the local authority. The notice you have provided is blank.

• Please provide proof of landlord registration, or an explanation as to why there is no registration in place.

• Please provide a mandate from the Applicant authorising you to represent him in the Tribunal proceedings.

• Please provide evidence to support the ground for eviction. Evidence tending to support ground 1 includes any contract with an agent for the sale of the property or a home report.

*Please provide a response no later than 17 October 2024. Upon receipt of your response we may seek further information from you before a decision is made as to whether your application can proceed.”*

4 The Tribunal received no response from the Applicant’s representative. On 21 November 2024 the Tribunal wrote again to them noting the lack of response and requesting the information within seven days, failing which the application would likely be rejected. The Applicant’s representative was asked to confirm if they were no longer proceeding with the application, otherwise a rejection decision would be published on the Tribunal’s website.

5 No further response was received from the Applicant’s representative.

### **Reasons for Decision**

6 The Legal Member considered the application in terms of the Rules and determined that the application should be rejected in terms of Rule 8(1) (c) 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.” The basis of the decision is that the Applicant has failed to provide the information requested by the Tribunal under Rule 5(3) of the Rules which is necessary to meet the required manner for lodgement. The Applicant has been asked for the information on two occasions. The Applicant has been warned that a failure to provide the information may result in the application being rejected. Accordingly the Legal Member has concluded that the application cannot be accepted in its current form and must be rejected under Rule 8(1)(c).

**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: A party 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.

**Ruth O'Hare, Legal Member**  
**7 January 2025**