



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/24/2920

Re: Property at 32 Parkhill Circle, Aberdeen, AB21 7FN (“the Property”)

Parties:

Mr Krzysztof Trybus, Ms Sandra Zalewska-Trybus, 26 Marca, 36/7, Wodzislaw Slaski, 44-300, Poland; 26 marca 36/7, Wodzislaw Slaski, 44-300, Poland (“the Applicant”)

Miss Shannon Laird, 32 Parkhill Circle, Aberdeen, AB21 7FN (“the Respondent”)

At Glasgow on 22 November 2024 Mary-Claire Kelly a 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).

1. By application received by the Tribunal on 25 June 2024 the applicant seeks an order for eviction in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016.
2. The application was incomplete. Following receipt of the application the Tribunal wrote to the applicant on 27 July 2024 requesting the following further information.
 - A copy of the tenancy agreement.
 - Evidence of service of the notice to leave on the respondent.
 - A copy of a section 11 notice served on the local authority, together with evidence of service.
 - Evidence of rent arrears.

3. The Tribunal also advised the applicant that the notices which had been provided with the application related to assured tenancies under the Housing (Scotland) Act 1988 and not private residential tenancies under the 2016 Act.
4. The Tribunal requested that the information be provided by 8 August 2024. No response was received.
5. The Tribunal sent a further reminder letter to the applicant dated 29 September 2024 and requesting the information be provided to the Tribunal by 11 October 2024. Both letters advised the applicant that a failure to provide the requested information may result in the application being rejected without further notice. No response was received.
6. Rule 8(1)(c) states that the Chamber President must reject an application if they have good reason to believe that it would not be appropriate to accept it. The present application is incomplete. Documents necessary to establish the competency of the application have been requested and not provided. The applicant has failed to respond to reasonable requests by the Tribunal for further information. The applicant has failed to cooperate with the Tribunal in the execution of its duties.
7. The application is rejected as there is good reason to believe that it would not be appropriate to accept it.
8. It is open to the applicant to resubmit the application with the correct supporting information.

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.

____ Mary-Claire
Kelly _____
____ Legal Member/Chair

____ 22 November 2024 _____
Date