



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 application by Mrs Norine Aslam in terms of rule 65 of the Rules.

Respondent: Stephanie Louise Gorman

Case reference FTS/HPC/EV/24/5200

At Glasgow on the 30 January 2025, 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 Mrs Norine Aslam for eviction in terms of rule 109 of the Rules. The Application was made on her behalf by Ms Andrena Rowley of Letslet Property Limited on 11 November 2024.
2. The in-house convenor reviewed the Application and the Tribunal wrote to the Applicant’s representative on 11 December 2024 seeking further information as follows:
 - (1) Please clarify what order you are seeking from the Tribunal in this application. The application is made under rule 65, which is a rule relating to eviction orders for tenancies under the Housing (Scotland) Act 1988. It does not deal with payment orders and it does not deal with tenancies entered into after December 2017. The tenancy agreement you lodged is a Private Residential Tenancy and rule 65 cannot be used for such a tenancy. You may wish to obtain legal advice. You may wish to consider withdrawing this application, otherwise it will have to be rejected.
 - (2) If you wish to seek a payment order for unpaid rent relating to the tenancy agreement you provided please make an application under the correct rule and specify the amount you are seeking. Again, you may wish to

take legal advice on the matter. Please note that in the form it has been presented this application does not constitute a valid application and would have to be formally rejected.

3. The Applicant's representative contacted the Tribunal on 21 January 2025 and stated the following:

The tenant has now left the property, however she has not paid the rent arrears. Do we still continue the case or cancel it. We would need a charge of payment still, she has moved to another property with the local authority.

4. The Tribunal sent a further email on 22 January 2025 stating that if the eviction application is not required it should be withdrawn. No reply has been received.
5. Rule 8(1) (c) provides that the Chamber President must reject an application if they have good reason to believe it would not be appropriate to accept it. I have good reason to consider that it would not be appropriate to accept this application as it is incomplete and it now appears that the application is no longer required but the Applicant's representative has failed to formally withdraw it.

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