



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 Muqian Ye in terms of rule 109 of the Rules.

Case reference FTS/HPC/EV/4093

Respondent Nazia Alam

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 Muqian Ye the owner of the property at 78 Maxwell Drive Glasgow G41 5PR, (‘the property’) for eviction in terms of rule 109 of the Rules. The application was dated 31 August 2024 and entered in the Tribunal chamber case management system on 5 September 2024.
2. The in-house convenor reviewed the application and the Tribunal wrote to the Applicant on 7 October 2024 seeking further information as follows:

Before a decision can be made, we need you to provide us with the following:

(1) Please consider whether the Notice to Leave is valid, as an excessive period of notice has been given. You may wish to take advice on this matter.

If you intend to insist that the Notice to Leave is valid, and you wish to continue with the application, please provide the following:

- (1) A copy of the tenancy agreement.
- (2) The Title Deed shows a joint owner. Please consider whether they are to be included as joint applicant, or provide their authorisation to you making the application in your sole name.

- (3) The section 11 notice is not made on the correct form and it appears to be incomplete. Please submit the section 11 notice on the correct form and provide a copy of the notice together with evidence of service of the notice.
- (4) Please provide evidence to support the grounds of eviction. The legislation suggests the following evidence;
(i) Ground 3 – any planning permission which the intended refurbishment would require, or a contract between the landlord and an architect or a builder which concerns the intended refurbishment. (ii) Ground 5 – an affidavit showing that the person has the intention to occupy the property as their only or principal home for at least three months. Please reply to this office with the necessary information by 21 October 2024. If we do not hear from you within this time, the President may decide to reject the application.

3. The Applicant did not reply.

4. The Tribunal sent a further email on 22 November 2024 as follows:

Before a decision can be made, we need you to provide us with the following: • We refer to our email of 7 October 2024 and note we do not appear to have received a response from you. • Your application cannot be accepted without the information requested in our previous email, attached. If you fail to provide this information your application will have to be rejected. • We will allow a final 14 days for you to provide a response. You may wish to seek advice from a solicitor or advice agency if you require guidance with your application. Please note the Tribunal cannot provide you with advice but there are details of advice agencies available under the Useful Links section of the Tribunal website. Please reply to this office with the necessary information by 6 December 2024. If we do not hear from you within this time, the President may decide to reject the application.

5. No reply has been received.

6. In terms of Rule 8(1)(c) of the Rules 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 the Applicant has failed to cooperate with the Tribunal in the execution of its duties.

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