



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/24/4728

17 Cragganmore, Tullibody, Alloa, FK10 2SY ("the Property")

Parties:

**Craig Meiklejohn ("Applicant")
Gemma Craig ("Respondent")**

Tribunal Member: Ruth O'Hare (Legal Member) with delegated powers from the Chamber President

Decision

The Tribunal rejects the application by the Applicant received by it on 14 October 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 14 October 2024 the Applicant submitted an application to the Tribunal under Rule 65 of the Rules and section 18 of the Housing (Scotland) Act 1988. In support of the application the Applicant provided a copy of a notice to leave.
- 2 On 15 October 2024 the Tribunal wrote to the Applicant by email to advise that the application was incomplete. In particular the Tribunal requested a copy of the tenancy agreement, a Form AT6 and notice to quit together with proof of service, evidence to show that the possession ground had been met, and a copy of the notice under section 11 of the Homelessness etc (Scotland) Act 2003 together with proof of service.
- 3 On 16 October 2024 the Applicant emailed the Tribunal with a copy of the notice to leave, an email from the local authority, and a copy of a short assured tenancy agreement between the parties dated 5 January 2017.
- 4 On 11 November 2024 the Tribunal wrote again to the Applicant following review of the application by a legal member of the Tribunal. The Tribunal noted that the Applicant had submitted a notice to leave which applied to private residential tenancies when it appeared that the tenancy in place between the parties was

an assured tenancy. The Tribunal requested a copy of a form AT6 and notice to quit that had been given to the Respondent, or a notice to quit and section 33 notice together with a form AT5. The Tribunal further noted that the ground for possession included within the application was not a valid ground for an assured tenancy. The Applicant was asked to consider withdrawing his application if he had not served the correct notices. Finally the Tribunal requested a copy of the section 11 notice and proof that this had been sent to the local authority.

- 5 The Tribunal received no response from the Applicant. On 19 December 2024 the Tribunal wrote again to the Applicant requesting the information. The Applicant was advised that if he failed to provide the information requested the Tribunal would have no option but to reject the application. The Applicant was asked to provide a response no later than 2 January 2025.
- 6 No further response was received from the Applicant.

Reasons for Decision

- 7 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 further 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 separate occasions. The Applicant has been advised of the potential defects with the application and has failed to satisfy the Tribunal that these can be remedied. 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).
- 8 The Applicant is strongly encouraged to seek advice from a solicitor or advice agency prior to submitting any further applications to the Tribunal to ensure that any application is compliant with the statutory requirements for termination of an assured or short assured tenancy.

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.

R.O'Hare

31 January 2025