



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 Mr Derek Grant in terms of rule 109 of the Rules.

Case reference FTS/HPC/EV/24/4591

Respondent: Harvey Thomson

At Glasgow on the 17 February 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 for eviction by Mr Derek Grant in terms of rule 109 of the Rules. The application was dated 3 October 2024 and received by the Tribunal on 4 October 2024.
2. The in-house convenor reviewed the application and the Tribunal wrote to the Applicant on 14 November 2024 seeking further information as follows:

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

A copy of the tenancy agreement.

• A copy of the section 11 notice sent to the local authority together with proof of delivery, e.g. covering email or postal receipt.

• Evidence to support the ground for possession. For ground 1 this may include a letter of engagement from a solicitor or estate agency regarding the sale of the property or a recent home report.

• Written consent from the applicant authorising you to represent them in the application before the Tribunal. You have produced a certificate from DocuSign. Can you please confirm that this pertains to the service of the notice to leave on the tenant? Can you also confirm how this was sent to the tenant, e.g. if it was sent by email please provide a copy of said email.

• Proof of landlord registration. The landlord register indicates that the applicant's landlord registration has expired. If no registration is in place please provide an explanation as to why.

• There appears to be a joint owner. Please confirm if she should be added as a joint applicant and provide her contact details. Alternatively please provide written consent from the joint owner confirming that she is content for the application to proceed in the sole name of the applicant.

Please read the above carefully and ensure you provide all of the information requested. If you fail to provide the information it is likely that your application will have to be rejected at this stage. Upon receipt of your response we may seek further information from you before a decision is made on whether your application can

proceed. You may wish to seek advice from a solicitor or advice agency if you require assistance with your application. The Tribunal cannot provide you with advice but there are details of advice agencies under the Useful Links section of the Tribunal website.

3. No reply was received. A reminder was sent on 6 January 2025 and no reply has been received.
4. 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 the Applicant has failed to cooperate with the Tribunal in the execution of its duties.
5. It is open to the Applicant to resubmit the application with the correct supporting information.

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,

Lesley Anne Ward
Legal Member