



DECISION AND STATEMENT OF REASONS OF FIONA WATSON, LEGAL MEMBER OF THE FIRST-TIER TRIBUNAL WITH DELEGATED POWERS OF THE CHAMBER PRESIDENT

Under Rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules")

in connection with

14 Etive Place, Castlepark, Irvine, KA12 9LY ("the Property")

Case Reference: FTS/HPC/EV/24/5050

Thomas Hollas, 19 Anderson Drive, Irvine, KA12 9HX ("the Applicant")

Erin Callaghan, 14 Etive Place, Castlepark, Irvine, KA12 9LY ("the Respondent")

1. The Applicant submitted an application under Rule 109 of the Rules. The Applicant lodged no supporting documents with the application

DECISION

2. The Legal Member considered the application in terms of Rule 8 of the Chamber Procedural Rules. That Rule provides:-

Rejection of application

8.—(1) The Chamber President or another member of the First-tier Tribunal under the delegated powers of the Chamber President, must reject an application if—

(a) they consider that the application is frivolous or vexatious;

- (b) the dispute to which the application relates has been resolved;*
- (c) they have good reason to believe that it would not be appropriate to accept the application;*
- (d) they consider that the application is being made for a purpose other than a purpose specified in the application; or*
- (e) the applicant has previously made an identical or substantially similar application and in the opinion of the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, there has been no significant change in any material considerations since the identical or substantially similar application was determined.*

(2) Where the Chamber President, or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, makes a decision under paragraph (1) to reject an application the First-tier Tribunal must notify the applicant and the notification must state the reason for the decision.

- 3. After consideration of the application and the documents submitted by the Applicant in support of same, the Legal Member considers that the application should be rejected on the basis that there is good reason to believe that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Rules.**

Reasons for Decision

4. An email was sent to the Applicant on 5 November 2024 seeking the following information to enable the application to proceed:
 - (i) A copy of the notice to leave given to the tenant as required under section 52(3) of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”)
 - (ii) Evidence of the notice to leave given to the tenant as required under section 52 (3) of the 2016 Act being served by the landlord on the tenant
 - (iii) Evidence showing that the eviction ground or grounds has been met;
 - (iv) A copy of the notice given to the local authority as required under section 56(1) of the 2016 Act

- (v) Evidence of the notice given to the local authority as required under section 56 (1) of the 2016 Act being provided to the local authority
5. The Applicant failed to provide these documents and a further request was issued to the Applicant for provision of same, on 9 December 2024. At the same time, a request was also made for a copy of the tenancy agreement to be provided. By way of response, on 11 December 2024 the Applicant provide an unsigned, undated copy of a notice to leave. No other documents were provided.
 6. A further email was sent to the Applicant on 14 January 2025 requesting the outstanding documents to be produced by 28 January 2025, failing which the Applicant was advised that the application may be rejected. The information requested was not provided. The application is therefore entirely lacking in the information required and the Legal Member has good reason to believe that it would not be appropriate to accept the application.
 7. The Legal Member therefore determines that it would not be appropriate to accept the application. The application is rejected on that basis.

What you should do now

If you accept the Legal Member's decision, there is no need to reply.

If you disagree with this decision –

An applicant aggrieved by the 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 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. Information about the appeal procedure can be forwarded to you on request.

Fiona Watson
Legal Member
8 March 2025

