



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 Miss Louise McAinsh in terms of rule 111 of the Rules.

Case reference FTS/HPC/CV/24/2915

Respondents: Alan McLachlan, Sharon Serapiglia

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 by Miss Louise McAinsh in terms of rule 111 for civil proceedings arising out of a private residential tenancy agreement for flat 5 14 McCormack Place Larbert FK5 4TZ, ‘the property’. There was a second application for eviction proceedings.
2. The in-house convenor reviewed the application and the Tribunal wrote to the applicant on 26 July 2024 seeking a rent statement with columns for rent due, rent paid and a running total of arrears. A reminder was sent on 5 August 2024.
3. The applicant withdrew her eviction application on 5 August 2024. The tribunal sent a further reminder in connection with the rent statement on 19 August 2024.
4. The in house convenor reviewed the application and the Tribunal wrote to the applicant on 24 September 2024 seeking further information as follows:
 - (1) You have advised that the tenant has vacated the property. Please now provide their current address. Should you be unable to do so you can apply for Service by Advertisement, the relevant form can be found on the Tribunal’s website. If you do submit an application for Service by Advertisement please submit this

together with a negative trace report from either a tracing agent or Sheriff Officers. It is the responsibility of the Applicant to provide all necessary information for a valid application.

(2) Please provide evidence that the Guarantor has actually agreed to act as Guarantor. There is no signature on the tenancy agreement and there does not appear to be an electronic signature from the Guarantor and no other documentation showing he agreed to taking on that role.

(3) Please confirm the total amount you are now seeking.

5. The applicant contacted the Tribunal on 9 October 2024 to advice that she was seeking advice from her letting agency. Nothing further has been provided by the applicant. The Tribunal issued reminders on 14 November 2024 and 3 January 2025. No reply has been received.

6. In terms of Rule 8(c) of the rules the Chamber President, or another member of the Tribunal acting under the delegated powers of 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 not to accept this application as it is incomplete. Without a trace report for the respondents the application for service by advertisement cannot proceed. Further, the applicant has failed to cooperate with the Tribunal in the execution of its duties.

7. 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.

L.A Ward

Lesley Anne Ward

Legal Member