



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/24/5189

14 Arthur Henderson Avenue, Paisley, PA2 7EZ ("the Property")

Parties:

Claire Lunday ("Applicant")

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 11 November 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 The Applicant submitted an application under Rule 109 of the Rules and section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 seeking an eviction order in respect of a private residential tenancy.
- 2 Following review of the application by a Legal Member of the Tribunal, the Tribunal wrote to the Applicant on 11 December 2024 in the following terms:-

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

Your application has been reviewed by a legal member of the First-tier Tribunal with delegated powers of the Chamber President who has raised the following matters.

Please provide a copy of the tenancy agreement.

You have provided copies of a Notice to leave which appears to have been served on both Jayne Haryadi and Didin Haryadi. Is Didin Haryadi a joint tenant? If so please confirm you wish to add this person as a second respondent and provide an amended application form.

Please lodge a copy of the notice which is required to be given to the local authority under section 11(3) of the Homelessness etc. (Scotland) Act 2003 together with evidence of the method and date on which that was given to the local authority.

Further queries may arise upon examination of these documents.

Upon receipt of the above information, a final decision can then be taken on whether the application is valid and whether it should be accepted and referred to the tribunal for full determination.

Please respond to this letter within the next two weeks.

If you fail to respond to this letter then the tribunal may reject your application. You should be aware that the Tribunal has the power to reject applications on grounds set out in rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Please reply to this office with the necessary information by 25 December 2024. If we do not hear from you within this time, the President may decide to reject the application.”

- 3 The Tribunal received no response from the Applicant. On 3 February 2025 the Tribunal emailed the Applicant again requesting the information, failing which it was likely that the application would be rejected. The Applicant was advised that a rejection decision would be published on the Tribunal's website.
- 4 No further response was received from the Applicant.

Reasons for Decision

- 5 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 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 a response on two occasions. She has been advised that in the absence of a response his application will be rejected. Accordingly the Legal Member has concluded that the application cannot be accepted in its current form and there is therefore good reason to reject the application under Rule 8(1)(c).

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.

Ruth O'Hare, Legal Member
18 March 2025