



**DECISION AND STATEMENT OF REASONS OF JOSEPHINE BONNAR,  
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 Procedure Rules")**

**Case Reference: FTS/HPC/EV/24/5231**

**17 GF Albyn Grove, Aberdeen ("the Property")**

**Elizabeth Brodie, Sunnybank, St Ola, Kirkwall. Orkney ("the Applicant")**

1. The Applicant seeks an eviction order in terms of Rule 109 of the Procedure Rules and Section 51 of the Private Housing Tenancies (Scotland) Act 2016 ("the 2016 Act"). Various documents were submitted in support of the application.
2. The Tribunal issued a request for further information in terms of Rule 5(3) of the Procedure Rules. The Tribunal noted that two Notices to leave had been submitted. The first was in the prescribed format and specified grounds 3, 4, 5 and 6. No evidence of service of the notice was provided and the period of notice specified in Part 4 appeared to be incorrect. The second notice was not in the prescribed format. It only referred to grounds 3 and 4. It is dated 16 November 2024 and states that the earliest date that an application can be made is 30 October 2024. The Applicant was directed to provide a valid notice to leave, with evidence of service, and to clarify the eviction grounds. She did not respond to the request, or to a reminder, having been notified that failure to respond may lead to the application being rejected.

**Decision**

3. After consideration of the application the Legal Member considers 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."

## **Reasons for decision**

4. Rule 5 of the Procedure Rules states that an application “is held to have been made on the date that it is lodged if, on that date, it is lodged in the manner as set out in...” the relevant Rule. In terms of Rules 5(2) and (3), the Chamber President or a Member with delegated powers must assess whether the “mandatory requirements for lodgement have been met” and “may request further documents”.
5. The application was lodged in terms of Rule 109. This Rule requires an application to be accompanied a copy of the notice to leave which has been given to the tenant. The Applicant has failed to provide a valid Notice to leave or evidence that of the two notices lodged were given to the tenant. The Applicant has also failed to provide these documents in response to a request for information made in terms of Rule 5(3).
6. The Applicant has failed to comply with Rules 5 and 109 of the Procedure Rules. In the circumstances, the Legal Member is satisfied that there is good reason to believe 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

e Bonnar, Legal Member  
25 March 2025