



**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

Flat F, 47 Seaforth Road, Aberdeen, AB24 5PG ("the Property")

Case Reference: FTS/HPC/EV/24/4120

**David Njoku, Flat 98 Pioneer Court, 50 Hammersley Road, E16 1TQ ("the
Applicant")**

**Ms Natercia Rocha Gomes De Assuncao, Flat F, 47 Seaforth Road, Aberdeen,
AB24 5PG ("the Respondent")**

1. The Applicant submitted an application under Rule 109 of the Rules. The Applicant lodged the following supporting documents with the application:
 - (i) Unsigned email entitled "affidavit"
 - (ii) Copy Notice to Leave
 - (iii) Copy email showing service of the Notice to Leave on the tenant
 - (iv) Copy email correspondence between Applicant and local authority
2. A further information request was sent to the Applicant dated 1 October 2024, seeking further information under four points. Only one point was responded to, namely the provision of a copy tenancy agreement.
3. A subsequent further information request was sent to the Applicant dated 29

October 2024, seeking further information under points as follows:

- (i) An amended application to reflect the correct owner of the property as applicant (the property being owned by a limited company and the application being raised in the name of the applicant as an individual with no explanation as to the competency of the individual having title to sue).
- (ii) The application stated that the ground being relied upon is ground 1A. Ground 1A of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (the Act) is that “It is an eviction ground that the landlord intends to sell the let property to alleviate financial hardship.” The remainder of the documents lodged with the application relate to the applicant intending to move into the property, which is Ground 4. No evidence was provided to support ground 1A nor any explanation as to why that ground was being relied upon when the applicant’s statement supported an alternative ground.
- (iii) Evidence that the ground applies - a document headed “affidavit” was lodged, however, this was not an affidavit and simply an unsigned email.

4. This further information request was not responded to.

5. Two subsequent further information requests were sent to the Applicant dated 18 December 2024 and 13 February 2025, neither of which were responded to.

DECISION

6. 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.

- 7. 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

8. The Applicant has failed to provide documents and further information/clarification as requested by the tribunal, to enable the tribunal to assess the competency or otherwise of the application. The application is therefore entirely lacking in the information required. The Applicant has failed to cooperate with the tribunal process. The Legal Member has good reason to believe that it would not be appropriate to accept the application on that basis.
9. 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
22 April 2025