



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 51(1) of the Private Housing
(Tenancies) (Scotland) Act 2016**

Chamber Ref: FTS/HPC/EV/24/4868

Re: Property at 1/1 14 Bishop Street, Rothesay, PA20 9DG (“the Property”)

Applicant: James Kerr (Applicant)

At Glasgow on 25 April 2025 Mary-Claire Kelly a 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).

1. By application dated 1 October 2024 the applicant seeks an order for eviction in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016.
2. The application was incomplete. Following receipt of the application the Tribunal emailed to the applicant on 4 November 2024 requesting various additional information including :
 - information regarding the circumstances in which the notice to leave was delivered to the tenant.
3. The Tribunal requested that the information be provided by 20 November September 2024. The applicant provided some information that had been requested however, no response was received to the request for information relating to the service of the notice to leave.
4. The Tribunal sent reminder emails to the applicant dated 20 December 2024 and 7 February 2025 requesting the information be provided to the Tribunal by 21 February 2025.
5. A further reminder letter was sent on 25 March 2025 setting a deadline of 8 April 2025 for the information to be provided. The letter stated that a failure to

provide the requested information may result in the application being rejected without further notice. No response was received.

6. Rule 8(1)(c) states that the Chamber President must reject an application if they have good reason to believe that it would not be appropriate to accept it. The present application is incomplete. Documents necessary to establish the competency of the application have been requested and not provided. The applicant has failed to respond to reasonable requests by the Tribunal for further information. The applicant has failed to cooperate with the Tribunal in the execution of its duties.
7. The application is rejected as there is good reason to believe that it would not be appropriate to accept it.
8. It is open to the applicant to resubmit the application with the correct supporting information.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal 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.

Mary-Claire Kelly

Legal Member/Chair

25 April 2025
Date
