



**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/24/5344

17 The Green, Bathgate ("the Property")

Susan Michael, 60 Lothian Street, Bathgate ("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 and documents in terms of Rule 5(3) of the Procedure Rules. No response was received. Despite a further request and several reminders, the Applicant has failed to respond or provide the required documentation.

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 state the grounds for eviction and be accompanied a copy of the notice to leave which has been given to the tenant, evidence in support of the eviction grounds and a copy of the section 11 notice sent to the Local Authority. The Applicant has failed to provide the following;-

- (a) The ground or grounds relied upon. Various pages of different application forms were lodged and various grounds stipulated. However, some of these appear to relate to assured tenancies.
 - (b) Evidence in support of any of the eviction grounds specified in the Notice to leave or application forms
 - (c) Evidence that the notice to leave was given to the tenant
 - (d) Evidence that a section 11 notice was sent to the Local authority.
6. The Applicant has also failed to provide the information specified above in response to a request for information made in terms of Rule 5(3).
7. 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 them. Information about the appeal procedure can be forwarded to you on request.

Josephine Bonnar

Josephine Bonnar, Legal Member
29 April 2025