



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rules 8(1)(c) and 26 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Chamber Ref: FTS/HPC/EV/24/5706

Re: Property at Attic Flat, 103 Logie Street, Dundee, DD2 2PZ (“the Property”)

Parties:

Jib Properties, 14 Piperdam Drive, Fowlis, Dundee, DD2 5LY (“the Applicant”)

Dymock Properties Ltd, Suite 3, Spaldinghouse Business Centre, 90-92 Queen Street, Broughty Ferry, DD2 5LY (“the Applicant’s representative”)

Tribunal Members:

Ruth O’Hare, Legal Member with delegated powers from the Chamber President

Decision

The Tribunal rejects the application received by it on 12 December 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 This is an application for an eviction order under Rule 109 of the Rules and section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. The application was received by the Tribunal on 12 December 2024.
- 2 Following a review of the application by a Legal Member of the Tribunal with delegated powers from the Chamber President, the Tribunal wrote to the Applicant’s representative on 15 January 2025 by email in the following terms:-

“Your application has been assessed by a Legal Member of the Tribunal with the delegated authority of the Chamber President. The Legal Member has requested the following information or documentation:

1. Please provide a copy of the Recorded Delivery tracking report that matches the reference number on the envelope, to indicate when the notice to leave was received by the Respondent. Please also provide a clearer image of the envelope, if available, so that the reference number can be read.

2. Please provide a copy of the section 11 notice served upon the local authority with evidence of service.

3. The property appears to be owned by two individuals. Please consider whether they ought to be the Applicants in this case, and, if so, please provide an amended page of the application form.

4. Please provide evidence to support the ground of eviction, such as a contract with a selling agent or a home report.

Please reply to this office with the necessary information by 29 January 2025. 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’s representative. On 28 March 2025 the Tribunal wrote to the Applicant’s representative again by email advising that it would allow a final opportunity for the information to be provided by 11 April 2025, failing which the Chamber President may decide to reject the application.

4 The Tribunal received no further response from the Applicant’s representative.

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.”

6 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 determine whether all mandatory requirements for lodgement have been met. The Tribunal has asked the Applicant’s representative for the information on two occasions. The Tribunal has warned the Applicant’s representative that a failure to provide the information may result in rejection of the application by the Chamber President. The Tribunal has therefore given the Applicant the opportunity to address the outstanding matters. Accordingly the Legal Member has concluded that the Applicant’s failure to provide the information constitutes good reason to reject the application under Rule 8(1)(c).

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.

Ruth O'Hare

20 May 2025

Legal Member/Chair

Date