

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/24/4389**

**3 South Avenue, Renfrew ("the Property")**

**Firm of J Newlands, 48 Glebe Street, Renfrew ("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 Applicant was directed to provide a copy of the section 11 notice with evidence that it was sent to the Local Authority and evidence of service of the Notice to leave on the tenant. The Tribunal also noted that the name of the Applicant appeared to be incorrect and that the application should be amended to the correct Applicant. The Applicant responded but did not address these issues. The Applicant was given two further opportunities to provide the required documents and information but failed to respond. The Applicant had been notified that if they failed to respond the application might be 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".

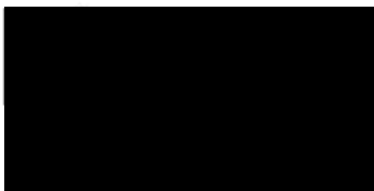
5. The application was lodged in terms of Rule 109. This Rule requires an application to be accompanied a copy of the notice to leave which has been given to the tenant and a copy of the section 11 notice sent to the Local Authority. The Applicant has failed to provide evidence that the Notice to leave was given to the tenant or a copy of the section 11 notice. The Applicant has also failed to amend the application form although the name of the Applicant is not the owner or registered landlord.
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 them. Information about the appeal procedure can be forwarded to you on request.



Josephine Bonnar, Legal Member  
11 March 2025