



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 8(1)(c) of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”)

Chamber Ref: FTS/HPC/EV/25/0446

Re: Property at Flat 1-2, 41 Finnart Street, Greenock, PA16 8HB (“the Property”)

Parties:

Mr James Orr, 20A Tosco Street, Opera Estate, 455431, Singapore (“the Applicant”)

Bowman Rebecchi Residential Letting Limited, Suite 2, 32-36 Kempock Street, Gourock, PA19 1NA (“the Applicant’s representative”)

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

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that it had good reason to believe that it would not be appropriate to accept the application received by it on 4 February 2025. The Tribunal therefore rejects the application under Rule 8(1)(c) of the Rules.

Background

- 1 On 4 February 2025 the Tribunal received an application from the Applicant, in terms of which the Applicant sought an eviction order under Rule 66 of the Rules and section 33 of the Housing (Scotland) Act 1988.
- 2 In terms of Rule 5(2) of the Rules, a Legal Member with delegated powers from the Chamber President considered the application to assess whether it had been lodged in the required manner. The Tribunal subsequently wrote to the Applicant in the following terms:-

“1. There appears to be a joint owner/landlord. Please confirm he should be added as joint Applicant and confirm contact details or provide written authority from him for the application to proceed in the current Applicant’s sole name.

2. *There is a joint tenant named in the agreement and notice to quit. Please provide an amended application which includes the joint tenant, with his current contact details if he is not currently living at the property.*

3. *The application form refers to grounds for possession and arrears. As this is an application under Section 33 these are not relevant. Please amend the application form to confirm the position.*

4. *Please provide evidence of service of the Notice to quit on both tenants.*

5. *Please provide a section 33 notice with evidence of service on both tenants.*

6. *Please provide a copy of the section 11 notice with evidence that it was sent to the Local Authority.*

Please respond within 14 days or your application may be rejected. 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 27 June 2025 the Tribunal wrote again to the Applicant’s representative requesting the information by 11 July 2025. The Tribunal warned the Applicant’s representative that in the absence of a response the President may decide to reject the application.
- 4 No further response was received 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. In terms of Rule 5(3) of the Rules, the Chamber President or another member of the Tribunal under the delegated powers of the Chamber President, may request further documents if it is determined that an application has not been lodged in the prescribed manner. The application in its current form does not meet the mandatory requirements for lodgement. The Applicant’s representative has been asked for further information on two occasions. They have been warned that a failure to provide the information may result in the application being rejected. The Applicant has therefore been given 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

1 August 2025

Legal Member/Chair

Date