



**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/25/0477

G/L 5 Smith Street, Dundee ("the Property")

Garry Wallace, 40-42 Brentwood Avenue, Dundee ("the Applicant")

1. The Applicant lodged an application for 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 with the application.
2. The Tribunal issued a request for further information and documents in terms of Rule 5(3) of the Procedure Rules. The Applicant failed to respond to the request or to reminders issued by the Tribunal. The Applicant then notified the Tribunal that the tenant had given notice and was due to vacate the property. He stated that the application might not be required. The Applicant was asked to confirm that the tenant had vacated and if he wished to withdraw the application but failed to respond.

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 Applicant has failed to provide a response to a request for further information and documents issued in terms of Rule 5. He has also failed to confirm if the application is to proceed or be withdrawn, having notified the Tribunal that the tenant had given notice to terminate the tenancy.
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6. 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
22 September 2025