

Housing and Property Chamber
First-tier Tribunal for Scotland



**DECISION AND STATEMENT OF REASONS OF DAVID BARTOS LEGAL MEMBER OF THE
FIRST-TIER TRIBUNAL WITH DELEGATED POWERS OF THE CHAMBER PRESIDENT**

Under Rules 5 and 8 of the First-tier Tribunal for Scotland Housing and Property
Chamber Rules of Procedure 2017 ("the Procedural Rules")

in connection with

Flat 0/1, 98 Glasgow Road, Paisley, PA1 3NU

Case Reference: FTS/HPC/EV/20/0310

ROBERT PRIMROSE, 75 Glasgow Road, Paisley PA1 3PE ("the Applicant")

Represented by Lesley Morrison, Rentahome Limited, 75 Glasgow Road, Paisley PA1 3PE

CHELSEA McMASTER, flat 0/1, 98 Glasgow Road, Paisley, PA1 3NU ("the Respondent")

BACKGROUND

1. The Applicant's representative has purported to lodge an application for eviction of the Respondent from the property flat 0/1 98 Glasgow Road, Paisley PA1 3NU ('the property'). The application was made in terms of section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. The application was based on ground 8 (tenant no longer an employee) although the detail appeared to relate to ground 12 (non-payment of rent).

DECISION

2. For the reasons given below this application is rejected.

REASONS FOR DECISION

3. I considered the application in terms of Rule 8 of the Procedural Rules. That Rule provides:-

"Rejection of application

8.—(1) The Chamber President or another member of the First-tier Tribunal under the delegated powers of the Chamber President, must reject an application if –

(a) they consider that the application is frivolous or vexatious;

(b) the dispute to which the application relates has been resolved;

(c) they have good reason to believe that it would not be appropriate to accept the application;

(d) they consider that the application is being made for a purpose other than a purpose specified in the application; . . .

(2) Where the Chamber President, or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, makes a decision under paragraph (1) to reject an application the First-tier Tribunal must notify the applicant and the notification must state the reason for the decision."

4. Rule 109 of the Procedural Rules requires an applicant to present to the Tribunal :

(1) a signed and dated application to the Tribunal;

(2) Evidence showing that the eviction ground has been satisfied;

(3) A copy of the notice to the council of the notice required by section 56 of the Private Housing (Tenancies) (Scotland) Act 2016.

5. None of this material was lodged with the application. The Tribunal's casework officer wrote to the Applicant's representative on 31 January 2020 asking for her to lodge the above material with the Tribunal by 7 February 2020 under threat of rejection of the application. There has been no response to that letter. I notice also that the Applicant

does not appear to the current owner of the property. The Applicant appears to lack entitlement to seek eviction.

6. In all of these circumstances I have good reason to believe that it would not be appropriate to accept this application and send it to a case management discussion for further consideration. The application must therefore be rejected.

What you should do now

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.

David Bartos
Legal Member acting under delegated powers
23 February 2020