



Decision and statement of Reasons of the First Tier Tribunal (Housing and Property Chamber)

Under Rule 8 of the First Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ‘the Rules’.

In respect of application by Mr Iain MacBeath in terms of rule 109 of the Rules.

Case reference FTS/HPC/EV/23/0645

At Glasgow on the 12 May 2023, Lesley Anne Ward, legal member of the First –Tier Tribunal ‘the Tribunal’ with delegated powers of the Chamber President, rejected the above application in terms of Rule 8(1) (c) of the Rules

1. This is an Application by Mr Iain MacBeath for eviction in terms of rule 109 of the Rules. The Application was made on 24 February 2023.
2. The Application was incomplete and the Tribunal wrote to the Applicant on 2 March 2023 requesting the following:
 - evidence showing that the eviction ground or grounds has been met;
 - evidence of the notice to leave given to the tenant as required under section 52 (3) of the 2016 Act being served by the landlord on the tenant
 - a copy of the notice given to the local authority as required under section 56(1) of the 2016 Act
 - evidence of the notice given to the local authority as required under section 56 (1) of the 2016 Act being provided to the local authority.
3. The Applicant responded by sending a further copy of the notice to leave.
4. The inhouse convenor reviewed the application and the Tribunal wrote to the Applicant on 28 March 2023 seeking further information as follows:

- (1) Please provide proof of ownership of the Property and of landlord registration.
- (2) Please provide proof of service of the Notice to Leave on the Respondent.
- (3) Please provide a copy of the section 11 Homelessness Notice and proof of service on the local authority.
- (4) Please provide evidence in support of the Ground of eviction such as signed terms of engagement with a solicitor or estate agent.
- (5) Please provide an address for the Applicant as a care of address is not acceptable.
- (6) Your application states you are relying on Grounds 1 and 12. The Notice to Leave does not specify Ground 12. Please explain on what basis the Tribunal can entertain an application under Ground 12. If you insist on Ground 12 please supply a rent statement.
- (7) The Cost of Living (Tenant Protection)(Scotland) Act 2022 applies to your application for eviction. We have attached information on the options available to you and ask you to respond.

Please reply to this office with the necessary information by 11 April 2023. If we do not hear from you within this time, the President may decide to reject the application.

5. No response has been made.

6. The tribunal can reject an application in terms of Rule 8(c) if they have good reason to believe that it would not be appropriate to accept it. As things stand basic information to enable the application to proceed (such as an address for the Applicant and evidence of service of the notice to leave) has not been provided. The Applicant has had several weeks to provide the requested information and he has failed to do so. I therefore have good reason to consider that it would not be appropriate to accept this application as it is incomplete and the Applicant has failed to cooperate with the Tribunal in the execution of its duties. It is open to the Applicant to resubmit the Application with the correct supporting information.

NOTE: What you should do now.

If you accept this decision there is no need to reply.

If you disagree with this decision you should note the following:

An applicant aggrieved by this 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 seek permission to appeal within 30 days of the date the decision was sent them. Information about the appeal procedure can be forwarded on request.



Lesley Anne Ward

Legal Member