



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 Paul Dewar in terms of rule 111 of the Rules.

Case reference FTS/HPC/CV/23/1560

At Glasgow on the 21 August 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 Paul Dewar in terms of rule 111 of the Rules. The Application was made on her behalf by Mrs Charlotte Macpherson of Wardhaugh Property on 12 May 2023.
2. The inhouse convenor reviewed the application and the Tribunal wrote to the Applicant’s representative on 12 June 2023 seeking further information as follows:

(1) Please clarify the spelling of the Applicant’s surname. The title deed and registered landlord is Paul Dewars, whilst the application is in the name of Paul Dewar.

(2) Please provide the Applicant’s address rather than a care of address.

(3). Please complete sections 5b and 5c of the application form to set out why you are making the application and what order you seek.

(4). The email that you have produced dated 26 April 2023 makes reference to eviction. Please note that form F relates to civil proceedings. If the Applicant seeks an eviction order, an application should be made using form E. You can find guidance about that on the housing and property chamber website. Please reply to this office with the necessary information by 26 June 2023. If we do not hear from you within this time, the President may decide to reject the application.

3. No response was made. A reminder was sent on 19 June 2023. On 1 August 2023 the applicant's representative responded on 1 August 2023 by stating:

I can confirm that the Notice to leave was served on outstanding rental payment and I would like to proceed with this ground on Form E submitted on the 26th June 2023.

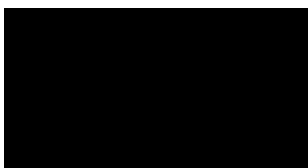
4. Tribunal can reject an application in terms of Rule 8(c) if they have good reason to believe that it would not be appropriate to accept it. As things stand basic information to enable the application to proceed has not been provided. The applicant's representative has states she wishes the tribunal to disregard this application and she has made a new application for eviction. This application has not been formally withdrawn. I therefore have good reason to consider that it would not be appropriate to accept this application as it is incomplete and the applicant's representative has stated she no longer wants to proceed with it.

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.



Legal Member