



**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 David Atkinson in terms of rule 109 of the Rules.

**Case reference FTS/HPC/EV/23/1637**

At Glasgow on the 12 September 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 Craig Hughes for eviction in terms of rule 109 of the Rules. The Application was made on his behalf by Mrs Kathleen McCallum of Ayrshire Letting and Sales on 22 May 2023.
2. The in-house convenor reviewed the Application and an email was sent by the Tribunal to the Applicant’s representative on 16 June 2023 as follows:
  - (1) Please provide a forwarding address for the Respondent. If you need to make an application for service by advertisement the application can be downloaded from the tribunal website. The applicant will require to show what steps have been taken to locate the respondent such as a trace report.
  - (2) Insufficient notice has been given for the notice to leave. In terms of section 62 of the Private Housing (Tenancies)(Scotland) Act 2016 28 days plus a three further days is required. You have only given 28 days. Please advise whether you wish to withdraw the application and re-serve the notice.
  - (3) Please provide any proof of compliance with the pre- action requirements.
  - (4) Please provide proof of landlord registration. We have checked against the address and the number you have provided in the application and we are unable to verify this.  
Please reply to this office with the necessary information by 30 June 2023. If we do not hear from you within this time, the President may decide to reject the application.

3. No response was received. A reminder was sent on 7 August 2023 and no response has been received.
4. Rule 8(1) (c) of the Rules allows an Application to be rejected by the Chamber President if “they have good reason to believe it would not be appropriate to accept the application”. This Application is incomplete as an address for the Respondent has not been provided. It also appears that the notice to leave has not given the appropriate period of notice. Further, the Applicant’s representative has failed to cooperate with the Tribunal in the execution of its duties.

**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