

**Housing and Property Chamber**  
First-tier Tribunal for Scotland



**DECISION AND STATEMENT OF REASONS OF PETRA HENNIG MCFATRIDGE 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 Procedural Rules")

in connection with

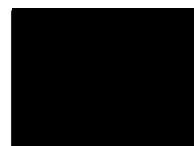
32 Chatten Avenue, Causewayhead, Stirling, FK9 5RF (the property)

**Case Reference: FTS/HPC/EV/19/2726**

**Faqir Mohammed, Ubain Rehman ("the applicant")**

**Stephen Westwood, Amelia Priestley ("the respondent")**

1. On 30 August 2019 an application was received from the Applicant. The application was made under Rule 109 of the Procedural Rules being an application for an eviction order under section 51(1) Private Housing (Tenancies) (Scotland) 2016 Act (the 2016 Act). The following documents in copy were lodged with the application:- Form AT6 dated 3 June 2019 without date for raising proceedings completed, form AT5, document described as Short Assured Tenancy Agreement commencing 1 December 2018 and stating as the purported end date 28 August 2019, Letters by Applicant to Respondents dated 30 June 2019, 23 July 2019.
2. On 2 September 2019 the Tribunal wrote to the Applicant advising him that further information was required. In particular the letter requested a copy of the Notice to



*(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."*

5. After consideration of the application, the attachments and correspondence from the Applicant, I consider that the application should be rejected in terms of Rule 8 (c) of the Rules of Procedure on the basis as the Tribunal has good reason to believe that it would not be appropriate to accept the application.

## **REASONS FOR DECISION**

### **Relevant Rules of Procedure:**

#### **Application for an eviction order**

109. Where a landlord makes an application under section 51(1) (for an eviction order) of the 2016 Act, the application must—

(a) state—

(i) the name, address and registration number (if any) of the landlord;

(ii) the name, address and profession of any representative of the landlord;

(iii) the name and address of the tenant **[F72(if known)]**; and

(iv) the ground or grounds for eviction;

(b) be accompanied by—

(i) evidence showing that the eviction ground or grounds has been met;

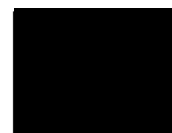
(ii) a copy of the notice to leave given to the tenant as required under section 52(3) of the 2016 Act; and

(iii) a copy of the notice given to the local authority as required under section 56(1) of the 2016 Act; and

**[F73(iv) a copy of Form BB (notice to the occupier) under schedule 6 of the Conveyancing and Feudal Reform (Scotland) Act 1970 (if applicable), and]**

(c) be signed and dated by the landlord or a representative of the landlord.

The application also does not meet the lodging requirements under Rule 109 (which is the rule likely to apply as the tenancy agreement appears to relate to a tenancy in terms of S 1 of the Private Housing (Tenancies) (Scotland) Act 2016 as it was entered into entered into



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.

  
Petra Hennig McFatridge  
Legal Member  
2 October 2019