



DECISION AND STATEMENT OF REASONS OF THE FIRST-TIER TRIBUNAL FOR SCOTLAND

Under Rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”)

In respect of

67 Kelvin Street, Grangemouth (“The Property”)

Applicant(s): Mrs Kar Len Tran, 23 Redding Road, Brightons, Falkirk, FK2 0AA

Respondent(s): Miss Sharlene McCabe and Mr Colin Kane, 67 Kelvin Street, Grangemouth, FK3 8EX

Case Reference: FTS/HPC/EV/19/3357

At Glasgow on 20 November 2019, Andrew McLaughlin, Legal Member of the First-Tier Tribunal with delegated powers of the Chamber President, rejected the above application in terms of rule 8 of the Rules for the following reasons:

1. The Applicant raises an Application in respect of Rule 66 seeking an Eviction order in respect of the above Property.
2. The Application is founded upon a Notice to Quit and Notice under s33 of the Housing (Scotland) Act 1988 that sought to have a Short Assured Tenancy in respect of the Property ended as at 5 December 2019. Accordingly the Respondent has not been provided with adequate notice prior to this Application being brought. This Application is accordingly premature. In any event, the dates of the proposed ending of the tenancy do not tie with what would be the ish date of the tenancy, which continues on a month to basis following on from the ending of the contractual period on 2 June 2018.
3. I consider that it is not appropriate to accept the Application in terms of Tribunal Rule 8 (C) which allows for an Application to be rejected by a Legal Member of the Tribunal on behalf of the Chamber President if *“they have good reason to believe that it would not be appropriate to accept the application.”* The Application is therefore rejected.

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 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 seek permission to appeal within 30 days of the date the decision was sent to them.



Mr Andrew McLaughlin

Legal Member

20 November 2019