

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

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**Decision with Statement of Reasons of Joan Devine, Legal Member of the First-tier Tribunal with delegated powers of the Chamber President of the First-tier Tribunal for Scotland (Housing and Property Chamber)**

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

**Chamber Ref: FTS/HPC/EV/19/2808**

**Re: Flat E, 60 Fieldfare View, Dunfermline KY11 8FY ("House")**

**Parties:**

**Mr Kenny Lowrie ("Applicant")**

**Mr Mark Watson ("Respondent")**

**Coda Estates ("Applicant's Representative")**

**Tribunal Member:**

**Joan Devine (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("Tribunal") determined that the Application should be rejected on the basis that it would not be appropriate to accept the Application in terms of Rule 8(1)(c) of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 ("the Rules").**

**Background**

The Application was received by the Tribunal under Rule 66 on 9 September 2019. The Applicant sought an order for eviction in terms of the Housing (Scotland) Act 1988 ("1988 Act"). The documents produced with the Application included a notice to quit dated 3 April 2019 and an unsigned and undated section 33 notice. A post office certificate of posting dated 3 April 2019 was produced. On 28 October 2019 the Tribunal asked the Applicant's Representative to provide proof of the notices sent by recorded delivery having been signed for. The Tribunal requested a response by 11 November 2019. No response was received. On 27 November 2019 the Tribunal

wrote to the Applicant's Representative seeking a response to their letter of 28 October 2019 by 11 December 2019. No reply was received.

### Reasons for Decision

The Tribunal considered the application in terms of Rule 8 of the Rules which states :

#### *"Rejection of application*

*8.-(1) The Chamber President or another member of the First-tier Tribunal under the delegated powers of the Chamber President, must reject an application if-*

*(c) they have good reason to believe that it would not be appropriate to accept the application;*

*(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."*

In light of the lack of a response from the Applicant's Representative, the Tribunal determined that the Application should be rejected.

### Right of Appeal

**In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal 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 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.**

**J Devine**

**Legal Member**

**Date**

*19 December 2019*