

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



**DECISION AND STATEMENT OF REASONS OF STEVEN QUITHER, 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

FLAT 1/02, 133 BYRES ROAD, GLASGOW G12 8TT

**Case Reference: FTS/HPC/EV/19/0100**

**AERIAL PROPERTY COMPANY, 53 HIGH STREET, PAISLEY ("the Applicant")**

**THOMAS McKEOWN, FLAT 1/02, 133 BYRES ROAD, GLASGOW G12 8TT  
("the Respondent")**

**DECISION**

After consideration of the application, the attachments and correspondence from the applicant, I consider that the application should be rejected on the basis that I have good reason to believe that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Procedural Rules.

**BACKGROUND**

1. On 14 January 2019, an application was received from the Applicant under Rule 109 of the Procedural Rules being an application for a Private Residential Tenancy Eviction Order.

S R QUITHER

The following documents, or copies thereof, were enclosed with the application:-

- Rent Schedule for period between 11 December 2017 and 24 October 2018;
- Letter from Glasgow City Council dated 18 September 2018;
- Power of Attorney dated 1 November 2018
- Notice to Leave dated 5 November 2018, with covering letter;
- E-mail to Glasgow City Council dated 11 January 2019.

2. Rule 8 of the Procedural Rules provides:

*"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 –*

*(a) they consider that the application is frivolous or vexatious;*

*(b) the dispute to which the application relates has been resolved;*

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

*(d) they consider that the application is being made for a purpose other than a purpose specified in the application; or*

*(e) the applicant has previously made an identical or substantially similar application and in the opinion of the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, there has been no significant change in any material considerations since the identical or substantially similar application was determined.*

*(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."*

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## **REASONS FOR DECISION**

3. By letter of 29 January 2019 to the Applicant's agents, the Tribunal requested further information in respect of:--

- a) The basis upon which the application was made by a legal person other than the registered owner of the property;
- b) Proof of service of the Notice to Leave;
- c) Any notice served on the Respondent under S11 of the Homelessness etc. (Scotland) Act 2003; and
- d) Information about, or a copy of, the Tenancy agreement between the Parties,

to which letter the Applicants' agents responded by e-mail of 30 January.

4. Thereafter, by letter and e-mail of 18 February 2019, again to the Applicant's agents, the Tribunal requested further information and clarification in respect of:--

- a) The basis upon which the application was made by a legal person other than the registered owner of the property; and
- b) Proof of delivery of the Notice to Leave

to which a response was sought by 4 March 2019, failing which the application might fall to be rejected.

As at 12 March 2019, no response appears to have been received.

5. Accordingly, since information required by the Tribunal to enable it to consider the application has not been received, I have good reason to believe it is not appropriate to accept the application which I now accordingly reject.

### **What you should do now**

If you accept the Legal Member's decision, there is no need to reply.  
If you disagree with this decision:-

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 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.

# S R Quither

SR QUITHER  
Legal Member

GLASGOW  
12 MARCH 2018