



**DECISION AND STATEMENT OF REASONS OF JOSEPHINE BONNAR,
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 Rules")**

in connection with

Reference number: FTS/HPC/EV/20/0040

17 Thurston Road, Glasgow, G52 2JH ("the Property")

The Parties:

**Savu Properties Ltd, 276 Glasgow Road, Eaglesham, G76 0EW ("the
Applicant")**

Danielle Park, 17 Thurston Road, Glasgow, G52 2JH ("the Respondent")

1. By application received on 8 January 2020 the Applicant seeks an eviction order in terms of Rule 109 of the Rules and Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act"). The Applicant lodged a copy tenancy agreement and Notice to Leave in support of the application.
2. On 28 April and 15 May 2020 the Tribunal wrote to the Applicant advising that an eviction order had already been granted by the Tribunal against the Respondent in relation to the property under Chamber reference CV/19/2503. The order had been granted on 18 February 2020 but was not issued to the Applicant until May 2020, as a result of administrative delays caused by the COVID 19 Government restrictions. The Applicant was asked to confirm if they

wished to withdraw the application or explain the basis on which the Tribunal could consider the application for another eviction order. The Applicant has failed to withdraw the application or provide an explanation for the application.

DECISION

3. The Legal Member considered the application in terms of Rule 8 of the Chamber Procedural Rules. That Rule 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.”

4. **After consideration of the application and the documents submitted by the Applicant in support of same, the Legal Member considers that the application should be rejected on the basis that the dispute to which the**

application relates has been resolved within the meaning of Rule 8(1)(b) of the Rules.

Reasons for Decision

5. On 18 February 2020 the Tribunal issued a decision with statement of reasons in relation to an application under Chamber reference EV/19/2503. The Tribunal determined that an eviction order should be granted. On the same date an eviction order was granted by the Tribunal. The decision and order relate to an application for an eviction order by the Applicant, against the Respondent, in relation to the property. The decision with statement of reasons was issued to the Applicant. The eviction order was not issued until 15 May 2020, as a result of administrative delays at the Tribunal Centre related to the Covid 19 Government restrictions.
6. Although an application for an eviction order was pending before the Tribunal, and a hearing fixed for 18 February 2020, the Applicant submitted the application (also seeking an eviction order) on 8 January 2020. The reason for this is not clear. The application was processed. On 28 April and 15 May 2020, the Tribunal wrote to the Applicant requesting an explanation. No response has been received.
7. The Legal member notes that the dispute between the parties – eviction of the Respondent – has been resolved by way of a competent and enforceable eviction order granted by the Tribunal and issued to the Applicant for enforcement. The Legal Member therefore determines that the application should be rejected on that basis.

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.

Josephine Bonnar

Legal Member

22 July 2020