



**Decision and statement of Reasons of the First Tier Tribunal (Housing and Property Chamber)**

**Under Rule 8 of the First Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ‘the Rules’.**

In respect of application by Mr Thomas Docherty in terms of rule 109 of the Rules.

**Case reference FTS/HPC/EV/3469**

At Glasgow on the 6 March 2023, Lesley Anne Ward, legal member of the First –Tier Tribunal ‘the Tribunal’ with delegated powers of the Chamber President, rejected the above application in terms of Rule 8(1) (c) of the Rules

1. This is an application by Mr Thomas Docherty for eviction in terms of rule 109 of the Rules.
2. The inhouse convenor reviewed the application and the tribunal wrote to the applicant on 21 October 2022 seeking further information as follows:
  - Please provide proof of service of the Notice to Leave.
  - Please also provide proof that you are a registered Landlord with your Landlord Registration number
  - We note from the Land Register that the property is jointly owned with JENNIFER KNOX MURRAY DOCHERTY. We note she is not named as a Joint Landlord. Please confirm the position and provide written confirmation from her that she is agreeable to this application proceeding. Please reply to this office with the necessary information by 4 November 2022. If we do not hear from you within this time, the President may decide to reject the application.
3. The applicant made a partial response on 27 October 2022 by providing his landlord registration details and a letter of authorisation from the joint owner. Proof of service of the notice to leave was not provided.

4. The tribunal sent reminders on 1 December 2022 and 30 January 2023. No reply has been received.
  
5. The tribunal can reject an application in terms of Rule 8(c) if they have good reason to believe that it would not be appropriate to accept it. As things stand the proof of service of the notice to leave has not been produced despite a detailed letter of request and two reminders. The applicant has had several months to provide the proof of the notice to leave and he has failed to do so. I therefore have good reason to consider that it would not be appropriate to accept this application as it is incomplete and the applicant has failed to cooperate with the tribunal in the execution of its duties.

**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 this 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 them. Information about the appeal procedure can be forwarded on request.

# L Ward

Lesley Anne Ward

Legal Member