



**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 Procedure Rules")**

in connection with

0/2 110 Easterhouse Road, Glasgow ("the Property")

Case Reference: FTS/HPC/EV/21/1147

Margaret Demol, 1/ 4 3 Manse Gardens, Mount Vernon ("the Applicant")

Colette Palmer, 0/2 110 Easterhouse Road, Glasgow ("the Respondent")

1. On 14 May 2021, the Applicant lodged an application for an eviction order. The Applicant lodged a copy of a Notice to Leave with the application. In response to a request for further information, the Applicant confirmed that the Notice to Leave had been hand delivered on 7 September 2020.
2. The Tribunal issued a further request for further information on 22 June 2021. The Applicant was asked to clarify the name of the Applicant, as the name of the tenancy agreement differed from the name on the application form. The Applicant was also asked to provide further details and evidence regarding service of the Notice to leave. No response was received. Two further letters were issued on 22 July and 25 August 2021, directing the Applicant to respond to the letter, or the application may be rejected. No further response has been received.

DECISION

3. The Legal Member considered the application in terms of Rules 5 and 8 of the Chamber Procedural Rules. Rule 5(3) provides:- “(3) If it is determined that an application has not been lodged in the prescribed manner, the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, may request further documents and the application is to be held to be made on the date that the First-tier Tribunal receives the last of any outstanding documents necessary to meet the requirement manner for lodgment.”
4. After consideration of the application the Legal Member considers that the application should be rejected in terms of Rule 8(1)(c) which states that an application must be rejected if the Tribunal has “ good reason to believe that it would not be appropriate to accept the application.”

Reasons for Decision

5. The Applicant submitted an application for an order for eviction in terms of Rule 109 of the Rules. The Tribunal has directed the Applicant to provide additional information and documentation in terms of Rule 5(3) on three occasions. The Applicant has failed to respond or to provide the information or documents. The Legal Member is therefore satisfied that there is good reason to believe that it would not be appropriate to accept the application. The application is 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.

J. B

Josephine Bonnar, Legal Member
29 September 2021