

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



**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/19/1999**

**Re: 72 Yorke Place, Kilmarnock KA1 2RE ("House")**

**Parties:**

**Miss Dasvinder Khara ("Applicant")**

**Miss Amanda Campbell ("Respondent")**

**Lyn-Mar ("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 65 on 27 June 2019. The Applicant sought an order for eviction in terms of Section 18 of the Housing (Scotland) Act 1988 ("1988 Act"). The documents produced with the Application did not include proof of service of the notice to quit or the AT6 on the Respondent. On 19 July 2019 the Tribunal asked the Applicant's Representative to provide a copy of the proof of service. In addition the Tribunal sought comment regarding the validity of the termination of the tenancy given the notice to quit did not coincide with the ish date of the tenancy and comment regarding the ability of the Tribunal to grant an

order for eviction on the basis of the AT6 alone given the grounds for recovery of possession in Schedule 5 to the 1988 Act were not stated in full within the tenancy agreement. The Tribunal requested a response by 2 August 2019. No response was received. On 16 August 2019 the Tribunal wrote to the Applicant's Representative seeking a response to their letter of 19 July 2019 by 30 August 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.D**

**Legal Member**

**Date**

*18 September 2019*