



**DECISION AND STATEMENT OF REASONS OF PETRA HENNIG MCFATRIDGE 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

88 Old Coach Road, East Kilbride, G74 4AU

Case Reference: FTS/HPC/EV/20/1406

Purple Dot Management Ltd ("the applicant")

Lucan Allan and Shona Allan ("the respondents")

1. On 24 June 2020 the First –tier Tribunal for Scotland, Housing and Property Chamber received an Application for an eviction order under Rule 109 of the Procedural Rules in terms of S 51 of the Private Housing (Tenancies) (Scotland) Act 2016 from the Applicant. The Notice to Leave document lodged with the application was dated 17 June 2020 and part 4 of the Notice states: "An application will not be submitted to the Tribunal for an eviction order before 15 July 2020.
2. The documents lodged with the application and the application document are referred to for their terms and held to be incorporated herein.

DECISION

3. I considered the application in terms of Rule 8 of the 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, the attachments and correspondence from the Applicant, I consider that the application should be rejected in terms of Rule 8 (c) of the Rules of Procedure on the basis as the Tribunal has good reason to believe that it would not be appropriate to accept the application.

REASONS FOR DECISION

The application was lodged on a date which falls before the date stated in the Notice to Leave as the first date on which proceedings can start.

The application is premature.

The application is rejected as it would not be appropriate to accept an application made before the date which is stated as the first day on which proceedings can commence.

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.

Petra Hennig McFatridge

Legal Member

8 July 2020