



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 Mrs Ann Gordon in terms of rule 66 of the Rules.

Case reference FTS/HPC/EV/23/1739

At Glasgow on the 9 August 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 Mrs Ann Gordon for eviction in terms of rule 109 of the Rules. The application was received by the tribunal on 31 May 2023.
2. The application was incomplete and the tribunal wrote to the applicant on 31 May 2023 as follows:

The following further information is required from you before your application can proceed to the Chamber President for consideration:

The following further information is required from you before your application can proceed to the Chamber President for consideration:

- the Notice to Quit
- evidence of the notice to quit being served by the landlord on the tenant
- a copy of the notice by the landlord given to the local authority under section 11 of the Homelessness (Scotland) Act 2003 (if applicable)
- evidence of the notice by the landlord given to the local authority under section 11 of the Homelessness (Scotland) Act 2003 (if applicable) being provided to the local authority Please reply to this office with the necessary information by 7 June 2023, otherwise the application may be rejected.

3. The applicant did not respond. The inhouse convenor reviewed the application and the tribunal wrote to the applicant on 6 July 2023 seeking further information as follows:

We refer to our email to you of 31 May 2023 seeking further information. You have failed to reply to said email. You must provide the further information requested within 14 days, failing which your application may fall to be rejected. Please reply to this office with the necessary information by 20 July 2023.

4. No response was 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. The applicant has failed to respond to two requests from the tribunal for further information. The application is incomplete. As it stands there is no notice to quit and no evidence of service of the notice to quit. There is no notice to the local authority as required by s11 of the Homelessness etc Scotland Act 2003. 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. It is open to the applicant to resubmit the application with the correct supporting information.

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.

Legal Member