



**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")**

Case Reference: FTS/HPC/EV/23/2753

4 Mowbray Rise, Livingstone ("the Property")

**Landmark UK Asset Management Ltd, Tower Court Business Centre, York ("the
Applicant")**

Pamela Reid, Steven Main 4 Mowbray Rise, Livingstone ("the Respondent")

1. The Applicant seeks an order for possession in in terms of Rule 65 of the Procedure Rules and Section 18 of the Housing (Scotland) Act 1988.
2. The Tribunal issued requests for information and documents by email on 4 October and 13 November 2023 and 17 January 2024. The Applicant was directed to clarify the validity of the AT6 notice, as it had been conceded that the rent arrears figure specified in the Notice was incorrect. The Applicant was also directed to provide a rent statement as evidence of the eviction ground, as the document lodged did not show how the arrears had accrued. The Applicant has not responded or provided the requested information or documents.

Decision

3. After consideration of the application the Legal Member considers that the application should be rejected in terms of Rule 8(1)(c) of the Tribunal Procedure Rules 2017 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

4. Rule 5 of the Procedure Rules states that an application “is held to have been made on the date that it is lodged if, on that date, it is lodged in the manner as set out in rules.....65 to 70..., as appropriate”. In terms of Rules 5(2) and (3) the Chamber President or a Member with delegated powers must assess whether the “mandatory requirements for lodgement have been met” and “may request further documents”. Rule 65 requires an Applicant to lodge a copy of the AT6 notice which has been served on the tenant and evidence to support the eviction ground. The Applicant has provided an AT6 that contains erroneous information. The Applicant has failed to provide evidence in support of the eviction ground. The Applicant has also failed to provide this evidence in response to a request by the Tribunal in terms of Rule 5(3) of the Procedure Rules.
5. As the Applicant has failed to comply with Rules 5 and 65 of the Procedure Rules, the Legal Member is 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.

Josephine Bonnar, Legal Member
7 March 2024