



**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/PR/24/0206**

**75 Broomhall Road, Bonnybridge ("the Property")**

**Lesley Forsyth, 75 Broomhall Road, Bonnybridge ("the Applicant")**

**Fiona Bryans, 107 Carmuir Avenue, Camelon ("the Respondent")**

1. The Applicant lodged an application for a wrongful termination order in terms of Rule 110 of the Procedure Rules and Section 58(2) of the Private Housing Tenancies (Scotland) Act 2016 ("the 2016 Act").
2. In response to a request for further information, the Applicant confirmed that she is still residing at the property. The Tribunal sought clarification of the status of the tenancy and notified her that the application should be withdrawn and re-submitted when she had moved out of the property. She did not respond and did not withdraw the application.

**Decision**

3. 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**

4. Section 58(1) of the 2016 Act states, "This section applies where a private residential tenancy has been brought to an end in accordance with Section 50". Section 58(3) states, "The Tribunal may make a wrongful termination order if it

finds that the former tenant was misled into ceasing to occupy the let property by the person who was the landlord under the tenancy immediately before it was brought to an end". From the information provided by the Applicant, she is still living at the property, she has not ceased to occupy the property and the tenancy has not yet ended. The Legal Member is therefore satisfied that the application is premature and 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.



Legal Member  
29 April 2024