



Decision with Statement of Reasons of Alan Strain, 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/24/3655

Parties

**Mr Mark Campbell (Applicant)
Mrs Angie McGregor, Mr George McGregor (Respondent)**

106 Huron Avenue, Howden, Livingston, EH54 6LG (House)

Tribunal Member:

Alan Strain (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the 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 Procedural Rules.

Background

1. The application was received by the Tribunal under Rule 66 on 9 August 2024. The grounds for possession/eviction were stated to be termination of a Short Assured Tenancy (**SAT**) under section 33 of the **Housing (Scotland) Act 1988 (Act)**.
2. The application was considered by the Tribunal and further information was requested by email of 23 September 2024 as follows:

"A Legal Member of the Tribunal with delegated powers of the President has considered your application. 1. The Notice to Quit appears to be invalid as the date specified in it is not an ish date. Please provide a valid Notice to quit with evidence of service or confirm if the application is to be withdrawn and re-submitted once a valid notice has been served. 2. If the application is to proceed please also provide a section

33 notice which has been served on the Respondent with evidence of service. You have submitted an AT6.”

3. The Applicant responded by email and asked for an extension of time to produce the information requested. The Tribunal granted the extension of time. The information was not produced. The Tribunal wrote again by email of 12 November 2024 in the following terms:

“Please note if you fail to provide the information requested your application will have to be rejected. We will therefore provide you with a final opportunity to submit the information within fourteen days. You may wish to seek advice from a solicitor or advice agency if you require guidance with your application. Please reply to this office with the necessary information by 26 November 2024.”

No response was received.

Reasons for Decision

4. The Tribunal considered the application in terms of Rule 8 of the Chamber 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;·
(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."

5. The Applicant has failed to provide necessary information. The Tribunal could not grant the order sought.

6. The Tribunal consider that there is good reason why the application should not be accepted due to the Applicant' failure to provide required information and to co-operate with the Tribunal. The application is accordingly rejected.

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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.

Alan Strain

24 December 2024

Legal Member/Chair

Date