



**Decision with Statement of Reasons of H Forbes, 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/22/3073**

**Re: Flat 0/1, 66 Cloan Avenue, Glasgow, G15 6AD ("the Property")**

**Parties:**

**Patrick McDonald ("the Applicant")**

**Cheryl Connolly ("the Respondent")**

**Tribunal Member:**

**Ms H Forbes (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the application should be dismissed 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 for an eviction order was received by the Tribunal under Rule 109 on 26<sup>th</sup> August 2022, with accompanying documents.
2. The application was considered by a legal member of the Tribunal and by letter dated 30<sup>th</sup> September 2022, the Applicant was informed that further information was required.
3. By email dated 9<sup>th</sup> October 2022, the Applicant provided some of the information requested and an amended application form. The Applicant stated that the Respondent had informed him she had left the Property.
4. The application was considered by a legal member of the Tribunal and by letters dated 9<sup>th</sup> November and 23<sup>rd</sup> December 2022, and 9<sup>th</sup> February 2023, the Applicant was informed that further information was required, including an

address for service upon the Respondent, or an application for Service by Advertisement, and evidence in relation to service of the Notice to Leave upon the Respondent. No response was received to the letters.

5. The application was considered by a legal member of the Tribunal on 21<sup>st</sup> March 2023.

### **Reasons for Decision**

6. 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;·*

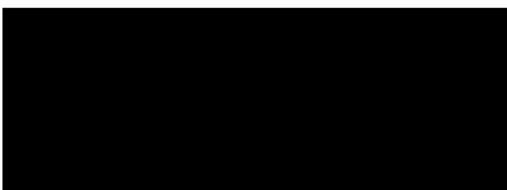
*(c) they have good reason to believe that it would not be appropriate to accept the application;*

*(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."*

7. It would not be appropriate to accept the application in the absence of an address for the Respondent or an application for Service by Advertisement, as it would not be possible to make service upon the Respondent. The Applicant has not responded to several calls for an address for the Respondent.
8. The application is accordingly rejected.

### **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.**



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**Legal Member/Chair**

**21<sup>st</sup> March 2023**  
**Date**