



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 Janice Blackley in terms of rule 109 of the Rules.

Case reference FTS/HPC/EV/23/0523

At Glasgow on the 23 May 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 Janice Blackley for eviction in terms of rule 109 of the Rules. The application was made on 21 February 2023.
2. The inhouse convenor reviewed the application and the tribunal wrote to the applicant on 16 March 2023 seeking further information as follows:

Before a decision can be made, we need you to provide us with the following:

- (1) Please clarify the eviction ground which is relied upon. If the application is based on rent arrears then this should be ground 12 – rent arrears over 3 consecutive months, or 12A – substantial rent arrears. Please provide an amended application with the correct ground.
- (2) Please provide a valid Notice to leave which refers to the correct eviction ground, with evidence showing when and how it was served on the respondent. You have provided three different notices, all of which are incomplete and appear to be invalid.
- (3) The section 11 notice is also incomplete. Please provide a valid section 11 notice with evidence that it was sent to the Local Authority.
- (4) Please provide a rent statement which shows the rent due, the payments received and the running total outstanding for the relevant period.
- (5) If you have complied with the Rent Arrears Pre Action Requirements Regulations, please provide evidence of this. The application is affected by the Cost of Living Act. Please see the

attached information. You may wish to take legal advice before you respond.” Please reply to this office with the necessary information by 30 March 2023. If we do not hear from you within this time, the President may decide to reject the application

3. The applicant wrote to the Tribunal on 24 March 2023 stating ‘Please cancel this paperwork it’s not complete thank you Janice’.
4. It was not clear the tribunal that the applicant wished to withdraw her application and the tribunal sent a further email to the applicant on 27 March 2023 stating “I note receipt of your email of 24 March 2023. Please confirm that you wish to withdraw your application. This means that proceedings will come to an end and the case will be closed. This is to ensure that we process your request correctly”.
5. The applicant did not respond and a further email was sent on 17 April 2023 indicating that if she did not respond within 14 days the application would be dismissed.
6. 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 indicated on 24 March 2023 that she wished to cancel her paperwork. It appears that the applicant wishes to withdraw her application but she has failed to respond to a request for clarification from the tribunal. I therefore have good reason to consider that it would not be appropriate to accept this application as it appears the applicant no longer wants to proceed with it.

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