



**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 Margaret Burnett in terms of rule 109 of the Rules.

**Case reference FTS/HPC/EV/23/2528**

At Glasgow on the 28 August 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 Margaret Burnett for eviction in terms of rule 66 of the Rules. The application was dated 26 July 2023 and was received by the tribunal chamber on 28 July 2023.
2. The application was incomplete as there were no accompanying documents. The tribunal wrote to the applicant on 31 July 2023 by post as follows:

The following further information is required from you before your application can proceed to the Chamber President for consideration:

- The tenancy agreement (if available) or, if this is not available, as much information about the tenancy as the landlord can give
- The notice by landlord that the tenancy is a short assured tenancy (“AT5”)
- The notice given to the tenant under section 33(1)(d) of the 1988 Act
- Evidence of the notice given to the tenant under section 33(1)(d) of the 1988 Act being served by the landlord on the tenant
- The Notice to Quit
- Evidence of the notice to quit being served by the landlord on the tenant
- A copy of the notice by the landlord given to the local authority under section 11 of the Homelessness (Scotland) Act 2003 (if applicable)

- Evidence of the notice by the landlord given to the local authority under section 11 of the Homelessness (Scotland) Act 2003 (if applicable) being provided to the local authority'

Please reply to this office with the necessary information by 7 August 2023, otherwise the application may be rejected.

3. The applicant has not responded. Further, it appears that the applicant has not provided the correct postcode for the property in her application.
4. 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. As things stand basic information to enable the application to proceed has not been provided. The applicant has had several weeks to provide the requested information and she has failed to do so. I therefore have good reason to consider that it would not be appropriate to accept this application as it is incomplete and the applicant has failed to cooperate with the tribunal in the execution of its duties.
5. It is open to the applicant to resubmit the application with the correct postcode and supporting information.

**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.

**Lesley Ward**

Lesley Anne Ward

Legal Member