



**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”)**

**in connection with**

**2/2 57 Carron Street, Glasgow (“the Property”)**

**Case Reference: FTS/HPC/EV/23/0706**

**Saad Mustafa Aladhami, 3/2 Saint Mungo Avenue, Glasgow (“the Applicant”)**

**Munwar Syed Zainab, 2/2 57 Carron Street, Glasgow (“the Respondent”)**

1. The Applicant seeks an eviction order in terms of Rule 109 of the Procedure Rules and Section 51 of the Private Housing Tenancies (Scotland) Act 2016 (“the 2016 Act”). A tenancy agreement and a number of “Notices” to the tenant were lodged with the application.
2. Between 28 March and 4 July 2023, the Tribunal issued requests for further information and documents. The Applicant was directed to provide an amended application form, which specified a valid eviction ground in terms of Schedule 3 of the 2016 Act. The Applicant was also directed to provide a valid Notice to leave, with evidence of service and evidence in support of the eviction ground. A number of responses were received but the Applicant failed to provide an amended form which specified an eviction ground or a Notice to leave.

## **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. Rule 5 of the Procedure Rules states that an application “is held to have been made on the date that it is lodged if, on that date, it is lodged in the manner as set out in rules.....105 to 111, as appropriate”. In terms of Rules 5(2) and (3) the Chamber President or a Member with delegated powers must assess whether the “mandatory requirements for lodgement have been met” and “may request further documents”. Rule 109 requires an Applicant to specify the ground or grounds for eviction and lodge a copy of the Notice to Leave which has been given to the Respondent.
5. The agreement lodged stipulates that the tenancy is for a fixed term of one year from 24 February 2021 to 23 February 2022. The various notices which have been lodged by the Applicant state that the Respondent is required to vacate the property because the tenancy has expired. Tenancies under the 2016 Act can only be brought to an end by a landlord in accordance with sections 50 to 56 of the 2016 Act and do not have a fixed term. In order to obtain an eviction order in terms of Section 50, a landlord must make an application to the Tribunal following service of a Notice to leave on one or more grounds specified in schedule 3 of the Act. The Applicant has not service a Notice to Leave which meets the requirements of Section 62 of the 2016 Act. In particular, the notices do not refer to one or more of the relevant grounds, which are the only grounds upon which an order for eviction can be granted (Section 51(2)).
6. The Applicant has failed to comply with Rules 5 and 109 of the Procedure Rules and has also failed to comply with the relevant provisions of the 2016 Act. In

the circumstances, the Legal Member is satisfied 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.

**Josephine Bonnar**

Josephine Bonnar, Legal Member  
16 August 2023