



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 Othala Properties Limited in terms of Rule 66 of the Rules.

Case reference **FTS/HPC/EV/22/4337**

At Glasgow on the 6 April 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 Othala Properties Limited, owners of the property at 3 Napier Drive Dundee DD2 2SH, for eviction proceedings.
2. The Application is in terms of rule 66. It was received by the Tribunal on 8 December 2022. The Application was initially made on behalf of the Applicant by Pavilion Properties. The Tribunal received an email on 10 January 2023 from Pavilion Properties advising that Gilson Gray Solicitors were taking over as the Applicant’s representatives.
3. The Tribunal wrote to the new representatives on 17 January 2023 asking them to confirm they were instructed and also asking for an address for the Applicant as the Application was made care of Pavillion Properties. No reply was received. The Tribunal sent a further email on 31 January 2023. The Tribunal received a telephone call on that date from the Applicant’s representative confirming that they would be withdrawing the Application. The Application was not withdrawn. The Tribunal sent a third email on 9 February 2023 in the following terms:

We received a call from you on 31/01/23 in regards to the above noted Application in response to e-mails I sent on 17/01/23 & 31/01/23. You stated within your call that you would e-mail us to withdraw the Application as

the Tenant has found a new property. Please confirm that you wish to withdraw this application as we need these instructions in writing. This means that proceedings will come to an end and the case will be closed.

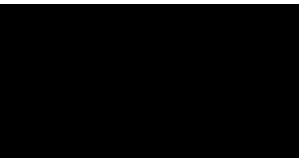
4. No response has been received.
5. Rule 8(1)(c) of the Rules allows an application to be **rejected** by the Chamber President if '**they have good reason to believe it would not be appropriate to accept the application**'.
6. The Applicant has failed to provide an address and the Applicant's representative has failed to reply to a reasonable request by the Tribunal for further information. It is likely that the Applicant does not want to proceed with their Application but has failed to notify the Tribunal. I therefore have good reason to consider that it would not be appropriate to accept this Application.

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 Anne Ward

Legal Member