

Housing and Property Chamber
First-tier Tribunal for Scotland



**DECISION AND STATEMENT OF REASONS OF ALASTAIR HOUSTON, 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 Rules")

in connection with

35 Wren Road, Greenock, PA16 7NH

Case Reference: FTS/HPC/EV/19/1035

MR SANDU SINGH ("the Applicant")

MISS SHERIDAN ALLAN ("the Respondents")

1. The application was made under Rule 66 of the Chamber Procedural Rules being an application by a private landlord for possession of rented property let under a short assured tenancy. Attachments were provided with the application form to support the application and these attachments included copies of a Notice under Section 33 of the Housing (Scotland) Act 1988, a Notice to Quit, a Form AT5, a Form AT6 and a Section 11 Notice. A copy of the tenancy agreement was also attached.
2. A request for further information was sent to the Applicant's representative on 17 May 2019. Information was requested regarding service of the Form AT5, the period of notice given in the Section 33 Notice, an apparently invalid *ish* date specified in the Notice to Quit, service of the Section 33 Notice and Notice to Quit, evidence of anti-social behavior on the part of the Respondent, service of the Form AT6 and the grounds contained within and the Section 11 Notice.
3. A response was requested by 31 May 2019. No response has been received.

DECISION

4. The circumstances in which an application is to be rejected are governed by 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;

(b) the dispute to which the application relates has been resolved;

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

(d) they consider that the application is being made for a purpose other than a purpose specified in the application; or

(e) the applicant has previously made an identical or substantially similar application and in the opinion of the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, there has been no significant change in any material considerations since the identical or substantially similar application was determined.

(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."

- 5. After consideration of the application, the attachments and correspondence from the Applicant's solicitor, the Legal Member considers that the application should be rejected on the basis that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Procedural Rules.**

Reasons for Decision

6. A significant number of potential issues had been identified with this application. The information requested from the Applicant's representative was necessary before the application could proceed. The request for further information advised the Applicant that, should no response be received by 31 May 2019, the application may be rejected. No response has been received and, without the information, it would not be appropriate to accept the application.

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.

A Houston

Mr Alastair Houston
Legal Member
11 June 2019