



**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 Mr Olywatosin Kosoko in terms of rule 109 of the Rules.

**Case reference FTS/HPC/EV/23/1236**

At Glasgow on the 9 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 Mr Olywatosin Kosoko for eviction in terms of rule 109 of the Rules. The application was received by the tribunal on 19 April 2023.
2. The application was incomplete and the tribunal wrote to the applicant’s representative on 19 April 2023 as follows:

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

- Evidence of the notice given to the local authority as required under section 56 (1) of the 2016 Act being provided to the local authority
- A copy of the notice given to the local authority as required under section 56(1) of the 2016 Act
- Evidence of the notice to leave given to the tenancy as required under section 52 (3) of the 2016 Act being served by the landlord on the tenant
- Evidence showing that the eviction ground or grounds has been met. Please reply to this office with the necessary information by 26 April 2023, otherwise the application may be rejected.

3. The applicant responded on 27 April 2023 by sending the s11 notice and the notice to leave. The inhouse convenor reviewed the application and the tribunal wrote to the applicant on 22 May 2023 seeking further information as follows:

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

(1). You state that the application is made under ground 1, however, it would appear to have been made under ground 4. Please provide an amended page of the application form to reflect the correct ground.

(2) Please provide evidence to support the ground of eviction, which may take the form of a signed statement or affidavit.

(3) Please provide evidence that the section 11 notice has been served upon the local authority.

(4) Please provide evidence of how and when the Notice to Leave was served upon the Respondent.

(5) Please provide evidence of landlord registration as we have been unable to confirm that you are registered as a landlord.

(6) The application is affected by The Cost of Living (Protection for Tenants) (Scotland) Act 2022. Please see the information in the attached letter.

(7) The Title Deed shows there is a joint owner of the property. Please confirm whether they are to be a joint Applicant or provide their written authorisation to you making this application in your sole name. Please reply to this office with the necessary information by 5 June 2023. If we do not hear from you within this time, the President may decide to reject the application.

4. No response was received. The tribunal sent a further detailed letter on 29 June 2023 as follows:

Before a decision can be made, we need you to provide us with the following: You state that the application is made under ground 1, however, it would appear to have been made under ground 4.

(1) Please provide an amended page of the application form to reflect the correct ground.

(2) Please provide evidence to support the ground of eviction, which may take the form of a signed statement or affidavit.

(3). Please provide evidence that the section 11 notice has been served upon the local authority.

(4). Please provide evidence of how and when the Notice to Leave was served upon the Respondent.

(5). Please provide evidence of landlord registration as we have been unable to confirm that you are registered as a landlord.

(6). The application is affected by The Cost of Living (Protection for Tenants) (Scotland) Act 2022. Please see the information in the attached letter

(7). If you no longer wish to progress the application, it would be very helpful if you would confirm that you are withdrawing it. Please reply to this office with the necessary information by 13 July 2023. If we do not hear from you within this time, the President may decide to reject the application.

5. No response has been received.

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 has failed to respond to two requests from the tribunal for further information. As is stands there is no evidence to support the eviction ground and no evidence of how and when the notice to leave was served. 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. It is open to the applicant to resubmit the application with the correct 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 Anne Ward**

Lesley Anne Ward

Legal Member