



Decision with Statement of Reasons of H Forbes, Legal Member of the First-tier Tribunal with delegated powers of the Chamber President of the First-tier Tribunal for Scotland (Housing and Property Chamber)

Under Rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules")

Chamber Ref: FTS/HPC/CV/23/2150

Parties:

Mark Henderson ("the Applicant")

Joanne Reid Williams ("the Respondent")

Tribunal Member:

Ms H Forbes (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the application should be dismissed on the basis that it would not be appropriate to accept the application in terms of Rule 8(1)(c) of the Procedural Rules.

Background

1. An application in respect of outstanding rent arrears was made under Rule 111 on 28th June 2023. The Applicant included a copy of correspondence from the Respondent.
2. A copy of the tenancy agreement was requested by the case worker on 30th June 2023 with a reminder issues on 21st August 2023.
3. The Applicant provided four pages of the tenancy agreement by email dated 23rd August 2023.
4. A Legal Member of the Tribunal considered the application and wrote to the Applicant requesting the following information on 8th November 2023:
 1. Please provide a rent statement in the format: date, rent due, rent paid, running total of arrears/overpayments.



2. The application is made in the name of Mr Mark Henderson, but the property is landlord registered and owned by Mr Mark Henderson and Mrs Jane Henderson. Please provide written consent from the joint owner confirming that the applicant was authorised by to act as the sole landlord and to raise these proceeding in their sole name. Please reply to this office with the necessary information by 22 November 2023. If we do not hear from you within this time, the President may decide to reject the application.

No response was received from the Applicant.

5. A Legal Member of the Tribunal considered the application and wrote to the Applicant requesting the following information on 5th January 2024:

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

- We refer to our emails to you of 28 September 2023 and 8 November 2023, and note we have received no reply to same. You must provide the information requested within the next 14 days, failing which your application may be rejected.

Please reply to this office with the necessary information by 19 January 2024. If we do not hear from you within this time, the President may decide to reject the application.

No response was received from the Applicant.

6. The application was considered by a Legal Member on 22nd February 2024.

Reasons for Decision

7. The Tribunal considered the application in terms of 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 ...

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



(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."

8. The Tribunal has requested further information from the Applicant in order to consider whether or not the application can be accepted. The Applicant has failed to respond to the Tribunal's request for further information and documents. No evidence has been lodged to support the application, as required by Rule 111.
9. There is good reason to believe it would not be appropriate to accept the application. The application is accordingly rejected.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal 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.



22nd February 2024

Legal Member/Chair

Date