



**DECISION AND STATEMENT OF REASONS OF JAMES BAULD, 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 Procedural Rules")

in connection with

Case reference FTS/HPC/EV/23/4003

Parties

John Simpson (Applicant)

Gavin Hislop (Respondent)

1 Douglas street, Kirriemuir, Angus DD8 4HY (the property)

1. The application was made under Rule 65 of the Procedural Rules being an apparent application for an eviction order in connection with an assured tenancy. The application was accompanied by supporting documentation
2. By way of email dated 12 December 2023 a request for further information was sent to the Applicant. No response was received to that request
3. A second request for the further information was sent to the applicant by way of

letter and email dated 31 January 2024. A response was received to that request on 14 February 2024 from the applicant's solicitor asking for an extension of the time period to provide a response. The tribunal granted an extension by email dated 16 February 2024

4. A second request for an extended period to respond was received from the applicant's solicitor on 5 March 2024. By email dated 7 March 2024, the tribunal again agreed to grant a further extension of the time required to provide the further information which had originally been requested on 12 December 2023.
5. The terms of that extension included the following...

“With reference to your request for an extension to provide the documentation necessary to support your Application, a further extension will be allowed until 28 March 2024. If the information cannot be provided by that date, it is likely that the Application will be rejected.”

6. No response has been received to that email.

DECISION

7. 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."

- 8. After consideration of the application, the further information referred to and correspondence from the Applicant, 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

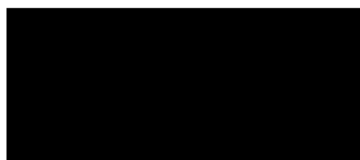
9. Two requests were made for further information from the Applicant. This additional information requested was necessary to allow the application to proceed. The applicant was informed that the additional information was essential to allow further progress of the application and was warned that failure to respond may lead to the application being rejected. Two extensions were allowed to enable the information to be provided. A period in excess of four months has now elapsed since the initial request was made.
10. In the absence of any substantive response by the Applicant, it would not be appropriate to accept the application and accordingly it is rejected.

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.



Legal Member

26 April 2024