



**DECISION AND STATEMENT OF REASONS OF PETRA HENNIG MCFATRIDGE 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/CV/24/0095

**Parties**

**Mr Craig McBurnie (Applicant)**

**Mt Michael Patrick White (Respondent)**

**10 Lady Anne Street, Flat 1/2, Yoker, Glasgow, G14 0JN (House)**

1. The application under rule 111 of the Procedural Rules was made to the First-tier Tribunal, Housing and Property Chamber (FTT) by email on 8.1.24.
2. The applicant provided no address for the respondent.
3. On 7.2.24 the FTT wrote to the applicant in the following terms: "A Legal Member with delegated powers of the Chamber President has considered your application. Before your

application can proceed please provide the following information:-

- You state that you are seeking rent arrears of £576.27 plus payment to restore the flat to its pre-tenancy condition. If you wish to seek the restoration costs you will need to specify these in the application. Please provide an updated Form F which sets out the exact sums you are seeking from the Respondent. Please also provide a breakdown of said costs together with vouching in the form of estimates, invoices, receipts or other supporting documentation.
- You have indicated that the Respondent's whereabouts are unknown. Please submit an application for service by advertisement on the Tribunal website which is a requirement in circumstances where a party's whereabouts are unknown. Please note that the application should be supported by evidence of any efforts you have made to locate the Respondent, e.g. a trace report from Sheriff Officers.
- You have provided bank statements in support of the application. Please note that any documentation submitted will be copied to the Respondent. If there is information within said statements that you do not wish to be disclosed please provide redacted versions of the documents." The FTT included a form for service by advertisement in the correspondence and gave as the date for a reply the date of 21.2.24.

4. No address for the landlord or further information about the application and no application for service by advertisement have been received. No replacement application for the current application has been received.

## **DECISION**

5. I considered the application in terms of Rule 8 of the 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."*

6. After consideration of the application, the attachments and correspondence from the Applicant, I consider that the application should be rejected in terms of Rule 8 (c) of the Rules of Procedure on the basis as the FTT has good reason to believe that it would not be appropriate to accept the application.

#### **REASONS FOR DECISION**

7. Rule 111 of the Procedure Rules states: Application for civil proceedings in relation to a private residential tenancy  
*111. Where a person makes any other application to the First-tier Tribunal by virtue of section 71(1) (First-tier Tribunal's jurisdiction) of the 2016 Act, the application must—*
  - (a)state—*
    - (i)the name and address of the person;*
    - (ii)the name and address of any other party; and***
    - (iii)the reason for making the application;*
  - (b)be accompanied by—*
    - (i)evidence to support the application; and*
    - (ii)a copy of any relevant document; and*
  - (c)be signed and dated by the person.*
8. The applicant was asked for either the respondent's address or for an application for service by advertisement. He provided neither. The application is rejected because the applicant has not provided the necessary information for lodging the application although he had been asked to do so by the FTT.
9. It would not be appropriate for the FTT to accept an incomplete application that does

not meet the lodging criteria. The application is thus rejected.

10. This does not prevent the applicant from lodging a fresh application when he is able to provide the necessary details and ancillary applications.

### **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.**

Petra Hennig McFatridge  
Legal Member  
15 April 2024