



**DECISION AND STATEMENT OF REASONS OF ANDREW UPTON, 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

16 Market Street, Forfar, DD8 3EY

**Case Reference: FTS/HPC/EV/19/1134**

**Mrs Linda Simpson ("the applicant")**

**Mr Liam Pytlack ("the respondent")**

1. On 11 April 2019, an application was received from the applicant. The application was made under Rule 109 of the Procedural Rules being an application for a Private Residential Tenancy Eviction Order.
2. By letters dated 1 and 31 May 2019, the Tribunal requested that the applicant provide additional information, specifically (i) a copy of the Private Residential Tenancy Agreement, (ii) a rent statement, and (iii) confirmation of the date that Notice to Leave was given to the respondent. The letter of 31 May 2019 provided that, if this information was not provided by the applicant by 14 June 2019, then the application may be rejected. No response has been received to either letter.

## DECISION

3. 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."*

4. After consideration of the application, the attachments and correspondence from the applicant, I consider that the application should be rejected on the basis that I have good reason to believe 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**

5. The applicant has been asked to provide further information to the Tribunal to allow the matter to proceed. The applicant has been given time to do so and fair notice of the consequences of not doing so. That notwithstanding, she has not provided that information to the Tribunal and is not co-operating.
6. For those reasons, it is my view that it would be inappropriate in these circumstances to accept this application in terms of Rule 8(c). I reject 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.

Andrew Upton  
Legal Member  
28 June 2019