

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**DECISION AND STATEMENT OF REASONS OF MELANIE BARBOUR, 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/21/2624**

**Parties**

**Ev Roscoe (Applicant)**

**Kelly Alder (Respondent)**

**19 Hill Court, Lockerbie, DG11 2QW (House)**

1. On 26 October 2021, an application was received from the applicant. The application was made under Rule 111 of the Procedural Rules, being an application for civil proceedings.
2. By letters from the Tribunal dated 16 November and 8 December both 2021 and 19 January 2022, the Tribunal requested further information including :-
  - a. To allow us to consider your application further and to confirm that we have jurisdiction to entertain this application please give more details of how the tenancy arose between yourself and the Ms Alder who you have named as a respondent. Please advise :-
    - i. a. what was rented to you eg was it one room or the whole property?
    - ii. b. Did Ms Adler hand over the keys and when were they given to you?
    - iii. c. What rent was charged and from what date?
    - iv. d. What deposit was charged and from when?
    - v. e. You advise that you have no tenancy agreement did the Respondent provide any paperwork and if so please let us have that.
    - vi. f. How did the tenancy/ your occupation end?
  - b. To apply for service by advertisement you will require to show evidence of having tried to trace the Respondent by using a tracing agent or sheriff officer can you please let us

see the evidence from a sheriff officer or tracing agent that they have not been able to trace the Respondent?

3. No responses were received from the applicant other than some information on 30 November 2021. That response did not address all the outstanding queries in relation to the application.

## **DECISION**

4. 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."

5. 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**

6. The Tribunal had requested further information to support this application from the applicant. The applicant has not provided the information requested.
7. The applicant's failure to provide the requested information to support the application gives me good reason to believe that it would not be appropriate to accept the application in circumstances where the applicant is apparently unable to do so in order to progress this application under rule 111.
8. Accordingly, for this reason, the application must be rejected upon 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.

## **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.

Melanie Barbour

Legal Member

18 February 2022