

Housing and Property Chamber
First-tier Tribunal for Scotland



**DECISION AND STATEMENT OF REASONS OF STEVEN QUITHER, 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

13 COLENHAUGH, STORMONTFIELD, PERTH PH2 6DQ

Case Reference: FTS/HPC/EV/19/3904

JULIA COULSON and STEVE COULSON, 45 KING STREET, PERTH PH2 8JB ("the Applicant")

**REGINALD STEVENS and SHONA STEVENS, 13 COLENHAUGH, STORMONTFIELD, PERTH PH2
6DQ**

("the Respondent")

DECISION

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.

BACKGROUND

1. On 9 December 2019, an application was received from the Applicant, via their Agents,
SQ

(Premier Properties Perth) under Rule 109 of the Procedural Rules being an application for a Private Residential Tenancy Eviction Order. A Notice to Leave dated 30 May 2019 appears to be the only document enclosed with the application:-

2. By letter of 10 December 2019 sent by e-mail to the Applicant's agents, to which a response was requested by 17 December 2019 under pain of the application falling to be rejected if no response was received, the Tribunal requested further information in respect of the statutory requirement of giving notice to the relevant local authority under s56(1) of the Private Housing (Tenancies) (Scotland) Act 2016, although it is apparent that further information would also be required for this application to proceed, not least of which information about, or a copy of, the Tenancy Agreement between the Parties !

In any event, as at today's date i.e. 3 January 2020 no response appears to have been received from said Agents. Obviously, the timescale for response to said letter of 10 December has now passed over 2 weeks ago.

3. Rule 8 of the Procedural Rules 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. Accordingly, since information required by the Tribunal to enable it to consider the application has not been received, I have good reason to believe it is not appropriate to accept the application which I now accordingly reject.

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.

Steven Quither

SR QUITHER
Legal Member

GLASGOW
3 JANUARY 2020