



**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**

**2/1 108 Dorchester Avenue, Glasgow, G12 0EB**

**Case Reference: FTS/HPC/PR/20/1874**

**Miss Mari Bell (Applicant)**

**Mr Stuart Morriss (Respondent)**

1. On 3 September 2020, an application was received from the applicant. The application was made under Rule 103 of the Procedural Rules, being an application for an order for payment where landlord has failed to carry out duties in relation to tenancy deposits. The following document was enclosed with the application:-
  - a. Tenancy Agreement
  - b. Emails from approved deposit schemes
  - c. Emails between the parties
2. By letters from the Tribunal dated 9 September and 14 October both 2020 the Tribunal requested further information regarding the following matters, confirmation of the date of the end of the tenancy; an address for the respondent; and whether the joint tenant was to be a party to the application.
3. The applicant failed to provide the further information requested.

**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**

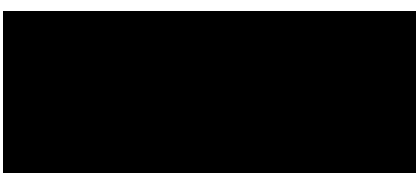
6. The Tribunal has requested further information to support the application from the applicant. The applicant has not provided information to confirm the end date of the lease; an address for the respondent; and to advise if the joint tenant is to be a second applicant.
7. I consider that the applicant's failure to provide this information to support the application, as requested by the Tribunal, 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.
8. Accordingly, for this reason, this 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  
17 November 2020

