



**Decision with Statement of Reasons of Alan Strain, Legal Member of the First-tier Tribunal with delegated powers of the Chamber President of the First-tier Tribunal for Scotland (Housing and Property Chamber)**

**Under Rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules")**

**Chamber Ref: FTS/HPC/CV/23/2197**

**Re: 1 Chalmerston Farm Cottages, Chalmerston Road, Stirling, FK9 4AG ("the Property")**

### **Parties**

**Mrs Jane Dailly (Applicant)**

**R Bryce and Partners (Respondent)**

**Tribunal Member:**

**Alan Strain (Legal Member)**

### **Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the application should be rejected on the basis that it would not be appropriate to accept the application in terms of Rule 8(1)(c).**

### **Background**

1. The application was received by the Tribunal under Rule 70 on 3 July 2023. The application sought an order for payment in respect of a deposit and compensation for various matters.
2. On 4 August 2023 the Tribunal emailed the Applicant in the following terms:

*"Before a decision can be made, we need you to provide us with the following: 1. Please provide a complete copy of the tenancy agreement. 2. Please confirm the exact amount you seek return of in respect of the deposit. 3. You refer to compensation for being forced out of the Property. If you assert that you were*

*unlawfully evicted then please submit an application under Rule 68. 4. You refer to the Respondent's failure to protect your tenancy deposit. If you wish to apply for compensation in respect of this then you must make an application under Rule 103 within 3 months of the tenancy end date. 5. The Tribunal cannot deal with application under Rules 68 and 103 in the context of the application you have lodged under Rule 70. You will need to lodge separate applications. Please reply to this office with the necessary information by 18 August 2023. If we do not hear from you within this time, the President may decide to reject the application."*

3. No response was received.
4. The Tribunal considered the application and wrote again on 4 September 2023 in the following terms:

*"Before a decision can be made, we need you to provide us with the following: 1. Please provide the information requested by the Tribunal in the email to you of 4 August 2023. Please reply to this office with the necessary information by 29 September 2023. If we do not hear from you within this time, the President may decide to reject the application."*

5. No response was received.

### **Reasons for Decision**

6. The Tribunal considered the application in terms of Rule 8 of the Chamber 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;·***  
***(c) they have good reason to believe that it would not be appropriate to accept the application;***

***(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."***

7. The Tribunal consider that the failure to provide necessary information constituted good reason why the application should not be accepted. The application is accordingly rejected.

### **Right of Appeal**

**In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal 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.**



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**Legal Member/Chair**

**17 November 2023**

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**Date**