



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 26 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Chamber Ref: FTS/HPC/RE/23/3610

Re: 18B Glenacre Road, Cumbernauld, G67 2NZ("the Property")

Parties:

Sunshine Housing Limited ("the Applicant")

McTurk and Muir Letting Ltd ("the Applicant's Representative")

Leo McDade ("the Respondent")

Tribunal Member: Martin J. McAllister (Legal Member)

The Tribunal rejects the application by the applicant dated 12 October 2023 which is an application under Section 28 A(1) of the Housing (Scotland) Act 2006 ("the Act") and Rule 55 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Rules").

Background

1. The Applicant's Representative was asked on 30 October 2023 to provide further information to enable the application to be considered. The request for information was in terms of Rule 5 (3) of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Rules").

2. The information requested was evidence of notification to the Respondent of the Applicant's need to have access to the Property together with evidence of delivery of such notification. The Applicant's Representative was advised that it was not sufficient to provide evidence that the tenant had been asked to contact it.
3. A further request was made on 14 November 2023 and the Applicant's Representative was advised that, if the information were not provided by 22 November 2023, the application may be rejected.
4. The Tribunal has not been provided with the information which has been requested.

Reasons

5. The Legal Member considered the application in terms of Rule 5 and Rule 55 of the Chamber Procedural Rules. Rule 5 provides: - (1) An application is held to have been made on the date that it is lodged if, on that date, it is lodged in the manner as set out in rules 43, 47 to 50, 55, 59, 61, 65 to 70, 72, 75 to 91, 93 to 95, 98 to 101, 103 or 105 to 111, as appropriate. (2) The Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, must determine whether an application has been lodged in the required manner by assessing whether all mandatory requirements for lodgment have been met. (3) If it is determined that an application has not been lodged in the prescribed manner, the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, may request further documents and the application is to be held to be made on the date that the First-tier Tribunal receives the last of any outstanding documents necessary to meet the requirement manner for lodgment. "
6. **After consideration of the application the Legal Member considers that the application should be rejected in terms of Rule 8(1) (c) which states that an application must be rejected if the Tribunal has "good reason to believe that it would not be appropriate to accept the application." The basis of**

the decision is that the Applicant has failed to comply with Rule 5 and Rule 55 of the Rules and Section 28 A (4) of the Act.

M J McAllister

Martin J. McAllister

Legal Member

6 December 2023