

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

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

Case reference FTS/HPC/CV/23/3293

**Parties**

**PROP1000FOL Limited (Applicant)**  
**Belvoir Lettings Kirkcaldy (Applicant’s Representative)**  
**Lyecia Townsley, Steven Townsley (Respondent)**

**29A Adamson Avenue, Kirkcaldy, KY2 5EH (the Property)**

**Legal Member**

Ruth O’Hare, with delegated powers from the Chamber President

**Background**

1. This application was made under Rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”).
2. On 6<sup>th</sup> October 2023 the Tribunal wrote to the Applicant’s representative in the undernoted terms:-

*“Before a decision can be made, we need you to provide us with the following:*

*1. Please provide an address for the Applicant. Please note that a care of address will not be acceptable.*

*Please reply to this office with the necessary information by 20 October 2023. If we do not hear from you within this time, the President may decide to reject the application.”*

3. The Tribunal received no response. On 15<sup>th</sup> November 2023 the Tribunal wrote again to the Applicant’s representative 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 in the Tribunal’s email to you of 6 October 2023.*

*Please reply to this office with the necessary information by 29 November 2023. If we do not hear from you within this time, the President may decide to reject the application."*

4. There was no further response from the Applicant's representative.

## **Decision**

5. The circumstances in which an application is to be rejected are governed by 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;*

*(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."*

6. After consideration of the application and the lack of any further correspondence from the Applicant or their representative, the Legal Member considers that the application should be rejected on the basis 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**

7. The Applicant was given the opportunity to provide further information by way of the requests from the Tribunal on 11<sup>th</sup> October 2023 and 15 November 2023. As at the date of this decision neither the Applicant nor their representative have provided the information requested. This additional information requested was

necessary to allow the application to proceed. The Applicant's representative was warned on two occasions that failure to respond may lead to the application being rejected. In the absence of any response from the Applicant it would not be appropriate to accept the application and it should therefore be rejected.

**NOTE:** What you should do now.

If you accept this decision there is no need to reply. If you disagree with this decision you should note the following: An Applicant aggrieved by this 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 seek permission to appeal within 30 days of the date the decision was sent them. Information about the appeal procedure can be forwarded on request.

**Ruth O'Hare, Legal Member**

**17 January 2024**