

**Decision with Statement of Reasons of Karen Moore, 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 (Procedure) Regulations 2017 (“the Rules”)**

**Chamber Ref: FTS/HPC/PR/23/3762**

Miss Marina Solomon 6/20 Pilrig Heights Edinburgh EH6 5BF (Applicant)

Irina Big residing sometime at 54a/4 Annandale Street, Edinburgh, EH7 4AZ and now address unknown (Respondent)

54a/4 Annandale Street, Edinburgh, EH7 4AZ (House)

Tribunal Member:

Karen Moore (Legal Member)

### **Decision**

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

### **Background**

1. An incomplete application was received by the Tribunal under Rule 103 on 26 October 2023.
2. The application was considered by the Tribunal and further information being evidence of compliance with the terms of the said Rule 104 was requested by email of 26 October, 7 November, 24 November, 6 December and 22 December, all 2023. Insufficient responses were received from the Applicant.
3. The Applicant was advised that, if no response was received, the application might be rejected. The Applicant was also advised that responses received after 24 December 2023 would mean that the application was time barred.

### **Reasons for Decision**

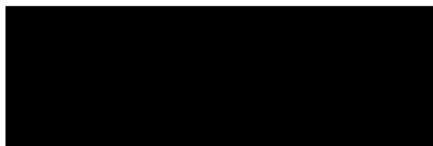
4. The Tribunal considered the application in terms of Rule 8 of the Chamber Procedural Rules. That Rule provides:- *"Rejection of application 8.-(1) The Chamber President or another member of the First-tier Tribunal under the delegated powers of the Chamber President, must reject an application if- (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."*

5. The Tribunal cannot grant the application without evidence of compliance with the statutory procedure. The Tribunal considers that there is good reason why the application cannot be accepted. Accordingly, the application is 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.**



**Legal Member**

**Date**

**3 January 2024**