



**DECISION AND STATEMENT OF REASONS OF JOSEPHINE BONNAR,  
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 Procedure Rules")**

**Case Reference: FTS/HPC/CV/23/4356**

**31 St Winnings Well, Kilwinning ("the Property")**

**Kevin Watt, 59 Corrie Crescent, Saltcoats ("the Applicant")**

**Kyle Muir, Laura Watt, 31 St Winnings Well, Kilwinning ("the Respondent")**

1. The Applicant lodged an application on Form F under of Rule 70 of the Tribunal Procedure Rules. However, the application form indicated that he was seeking an order for possession of the property and not a payment order. The Tribunal issued a further information request seeking clarification of the position. The Applicant did not respond to the further information request but submitted a new application under Rule 65. This was registered under a different reference number and processed. The Applicant did not withdraw the present application and has failed to provide a response to a second request regarding this application. He was notified that a failure to provide a response might result in the application being rejected.

**Decision**

2. After consideration of the application, the Legal Member considers that the application should be rejected in terms of Rule 8(1)(c ) of the Procedure Rules 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."

**Reasons for Decision**

3. It appears that the application was submitted in error and that the Applicant intended to lodge an application under Rule 65, seeking an order for

possession. He later rectified this error and submitted a new application. However, he has not withdrawn the application or responded to a request for further information from the Tribunal regarding it. In the circumstances, the Tribunal is satisfied that the application should not be accepted. It is rejected on that basis.

### **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.

# J Bonnar

Josephine Bonnar, Legal Member  
18 April 2024