



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”)

Case reference FTS/HPC/CV/24/0846

Parties

SCAS Property Ltd (Applicant)

Jade McSween, Ross Campbell (Respondent)

3 Kirksyde Avenue, Kirkintilloch, Glasgow, G66 3DP (House)

Tribunal Members:

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. The application was received by the Tribunal under Rule 111 on 22 February 2024.
2. The application was considered by the Tribunal and further information was requested by emails of 15 March 2024 and 23 April 2024 as follows: *Please amend the relevant page of the application form to show the exact sum sought at part 5(c). The Respondent must have fair notice of the sum sought. 2. Please provide a legible rent statement showing rent due, rent paid and a running total of rent arrears. The size of the text on the statement lodged is too small to be read, and illegible when enlarged. 3. Please provide a full copy of the tenancy agreement with the pages in sequential order. There are missing pages in the copy provided. 4. Please provide evidence of landlord registration.*
3. In each of the emails to the Applicant, the Applicant was given a date by which to respond and was advised that a lack of response might mean that the application would be rejected in terms of Rule 8 of the Rules. The last date for response was 7 May 2024. No substantive response was received from the Applicant.

4. The Applicant, by email dated 29 April 2024, advised that a managing agent would take over the case. No contact was made by a managing agent.

Reasons for Decision

5. 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."*
6. Rule 111 of the Rules provides that an application for an order must be accompanied by evidence in support of the claim being made. In this case, the Applicant has failed to provide the required documentation. The Tribunal cannot grant the application without this information.
7. The Tribunal consider 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.



K.Moore 16 May 2024
Legal Member Date