



**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/23/4295

## **Parties**

**Miss Ange Cameron (Applicant)**  
**Mr Ajeet Kumar Gupta (Respondent)**

**Mr Graeme Haig (Applicant’s Representative)**

**1 F6 Sheriff Bank, Edinburgh, EH6 6ER (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 5 December 2023.
2. The application was considered by the Tribunal and further information was requested by emails of 5 December 2023 and 3 and 30 January 2024 and by letter on 17 April 2024 as follows: *“1. Please provide an address for the Applicant. We cannot accept a care of address. 2. Please provide a signed mandate from the Applicant authorising you to act on their behalf in this application. 3. Please provide, as previously requested, a copy of the tenancy agreement. 4. You have not provided any evidence despite listing this in the application form. Please provide evidence of damage to the bathroom. 5. You must insert the exact amount sought at part 5(c) of the application form. The Respondent must be given fair notice of the sum you are seeking. Please amend the relevant page of the application form. 6. Please ensure*

*that the Applicant's first name is spelled correctly, as it differs in the application form, the Title Deed and the landlord registration."*

3. In each of the emails and the letter, 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 1 May 2024. No response was received from the Applicant.

#### **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. 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.
6. 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.**

**21 May 2024**

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**Legal Member**

**Date**