

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of Karen Moore, Legal Member of the Firsttier 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/24/0640

Parties

Mrs Sheila MacDonald (Applicant)
Mr Graham Wilson (Respondent)

1 Branksome Park, Longsdale Road, Oban, Argyll, PA34 5JZ (House)

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 9 February 2024.
2. The application was considered by the Tribunal and further information was requested by emails of 7 March 2024 and 18 April 2024 as follows: “1. *Please provide a copy of the tenancy agreement.* 2. *Please provide in part 5 c of the application the exact amount you are seeking payment for, please provide a calculation of said amount and please provide for each item evidence that the amount is due such as an invoice, receipt and for rent a rent statement in the format: date, rent due, rent paid, running total.* 3. *Please clarify who the landlord is. The letter of 16.5.23 refers to Mr James MacDonald as the landlord but the application is made by Sheila MacDonald. If Sheila MacDonald is the agent please enter the details accordingly and provide written authorisation of the landlord to the agent for these proceedings.* 4. *Please provide the current address of the Respondent. Should you be unable to do so you can apply for Service by Advertisement, the relevant form can be found on the Tribunal’s website. If you do submit an application for Service by Advertisement please submit this together with a negative trace report from either a tracing agent or Sheriff Officers. It is the responsibility of the Applicant to provide all necessary information for a valid application.*”

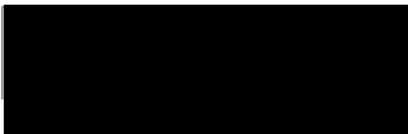
3. In each of the emails, the Applicant was given a date by which to respond and was advised that a lack of response might mean that the application would be rejected in terms of Rule 8 of the Rules. The last date for response was 2 May 2024. No response was received from the Applicant.

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.



Legal Member

Date

21 May 2024