



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/24/1238

Parties

Arisaig Holdings Ltd (Applicant)
Ms Abigail McKelvie (Respondent)

Property Angels Letting & Management Ltd (Applicant’s Representative)

9 Queens Crescent, Chapelhall, Airdrie, ML6 8SS (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 22 March 2024.
2. The application was considered by the Tribunal and the Applicant’s Representative was advised that further information being a full statement of rent due and owing, a mandate authorising the Applicant’s Representative to act and copy statutory rents increase notices were required. The Applicant’s Representative was advised of this by correspondence dated 9 April 2024 and 14 May 2024. On each occasion the Applicant’s Representative was advised that failure to produce the required information might mean that the Application would be rejected in terms of Rule 8 of the Rules. The correspondence of 14 May 2024 gave a time limit for reply of 28 May 2024 and advised that a failure to respond might mean that the application would be rejected. The Applicant’s Representative replied that it was impossible to produce a full rent statement.

The Applicant's Representative did not produce a mandate or the rent increase notices.

Reasons for Decision

3. 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."*
4. The Act and the Rules require the Applicant to comply with the tribunal rules and provide sufficient evidence with the application. Tribunal cannot grant the application without this information.
5. 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.

Karen Moore

Legal Member

Date

28 June 2024