



Decision with Statement of Reasons of H Forbes, 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 Rules of Procedure 2017 ("the Rules")

Chamber Ref: FTS/HPC/CV/24/0582

Re: 61D Glaisnock Street, Cumnock, KA18 1BS ("the Property")

Parties:

Jonathon Sloane ("the Applicant")

David Todd ("the Respondent")

Corbett and Shields ("the Applicant Representative")

Tribunal Member:

Ms H Forbes (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) of the Procedural Rules.

Background

1. The application was received by the Tribunal under Rule 111 on 6th February 2024 with associated documents.
2. The application was considered by a legal member of the Tribunal and by email dated 8th March 2024, the Applicant Representative was asked to provide an address for the Respondent, failing which, an application for Service by Advertisement accompanied by a negative tracing report.
3. By email dated 21st March 2024, the Applicant Representative stated that they had written to Sheriff Officers in respect of the Respondent's address and would send on the response.

4. The application was considered by a legal member of the Tribunal and by emails dated 16th April and 22nd May 2024, the Applicant Representative was asked for an address for the Respondent or an application for Service by Advertisement. No response was received on either occasion.
5. The application was considered by a legal member on 24th June 2024.

Reasons for Decision

6. 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."

7. The application cannot be accepted in terms of Rule 111 without an address for the Respondent or an application for Service by Advertisement. The Applicant Representative has failed to respond to repeated calls for further information.
8. It would not be appropriate to accept the application. The application is accordingly 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.

Ms H Forbes

Legal Member/Chair



24th June 2024
Date