



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 26 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Chamber Ref: FTS/HPC/RE/24/1956

Re: Flat 11, Lochend Butterfly Way, Edinburgh, EH7 5BF (“the Property”)

Parties:

Places for People Scotland (“the Applicant”)

Ouchstone Property Management (“the Applicant’s Representative”)

Stuart Graham (“the Respondent”)

Tribunal Member: Martin J. McAllister (Legal Member)

The Tribunal rejects the application by the applicant received by it on 8 April 2024 which is an application under Section 28 A (1) of the Housing (Scotland) Act 2006 (“the 2006 Act”) and Rule 55 of the Rules.

Background

1. The Applicant’s Representative submitted an application for assistance with obtaining access to the Property.
2. On 24 April 2024, the Applicant’s Representative was asked to clarify the Applicant’s locus to submit the application since the registered landlord and landlord stated in the private residential tenancy agreement is Cityscape Edinburgh LLP. The Applicant’s Representative was also asked to provide evidence that appropriate notification had been given to the Respondent with regard to the Applicant’s request to exercise the right of access.

3. The request for information was in terms of Rule 5 (3) of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”).
4. A further letter was sent to the Applicant’s Representative on 29 May 2024 and no response has been received to either communication.

Decision

5. **After consideration of the application, the Legal Member considers that the application should be rejected in terms of Rule 8(1) (c) which states that an application must be rejected if the Tribunal has “good reason to believe that it would not be appropriate to accept the application.” The basis of the decision is that the Applicant has failed to comply with Rule 5 and Rule 55 of the Rules and Section 28 A (4) of the 2006 Act.**

Reasons

6. The Legal Member considered the application in terms of Rule 5 and Rule 55 of the Chamber Procedural Rules. Rule 5 provides: - (1) An application is held to have been made on the date that it is lodged if, on that date, it is lodged in the manner as set out in rules 43, 47 to 50, 55, 59, 61, 65 to 70, 72, 75 to 91, 93 to 95, 98 to 101, 103 or 105 to 111, as appropriate. (2) The Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, must determine whether an application has been lodged in the required manner by assessing whether all mandatory requirements for lodgment have been met. (3) If it is determined that an application has not been lodged in the prescribed manner, the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, may request further documents and the application is to be held to be made on the date that the First-tier Tribunal receives the last of any outstanding documents necessary to meet the requirement manner for lodgment. “

7. The Applicant's Representative was asked to provide the information in terms of Rule 5 and Rule 55 (b) (ii) of the Rules and has failed to comply.

Martin J. McAllister, Legal Member, 10 July 2024