



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/EV/24/0947

Parties

Mr Peter McCleary (Applicant)

Mr Paul Wellard (Respondent)

Premier Properties Perth (Applicant’s Representative)

11L South William Street, Perth, PH2 8LS (House)

Tribunal Member:

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 66 on 27 February 2024.
2. The application was considered by the Tribunal and the Applicant’s Agents were advised that the Application did not conform to Rule 66 nor did it conform to the statutory process set out in the Housing (Scotland) Act 1988. The Applicant was advised of this by correspondence dated 27 March 2024, 24 April 2024 and 3 June 2024 and was asked to provide the relevant information or withdraw the Application. On each occasion the Applicant’s

Agents were advised that failure to produce the required information would mean that the Application might be rejected in terms of Rule 8 of the Rules, was advised to take advice and given sources to obtain advice. The Applicant's Agent provided some information but did not provide information which could enable the Application to be accepted. The correspondence of 3 June 2024 gave a time limit for reply of 17 June 2024. No reply was received.

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 statutory procedure for termination of tenancies and provide evidence of this with the application. Tribunal cannot grant the application without this information.
5. 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.

K. Moore

Legal Member

Date

17 July 2024