



**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”)**

## **Parties**

**Mr George Wilson -Executor of Estate for Claire Wilson (Applicant)**

**Ms Katie Barrett (Respondent)**

**1 Burdiehouse Place, Edinburgh, EH17 8AH (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 4 March 2024.
2. The application was considered by the Tribunal and further information was requested by email of 25 March 2024 as follows: *“Evidence of your entitlement to make the application such as a copy of the certificate of confirmation. 2. Evidence of service of the notices on the Respondent that shows when and how they were served. 3. Evidence that the section 11 was sent to the local authority.”*
3. The Applicant provided some of the information requested but not the essential evidence of entitlement to apply and service of the correct statutory notices. Reminders were sent to the Applicant by email dated 7 May 2024 and again on 13 June 2024, which reminder asked for a reply by 27 June 2024. The Applicant was advised that lack of response might mean that the Application would be rejected in terms of Rule 8 of the Rules and was advised that legal advice should be taken. There was no response 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. 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.
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.**

# K Moore

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Legal Member

Date

3 July 2024