



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/24/2224

Re: 82 College Bounds, Fraserburgh, AB43 9QS("the Property")

Parties:

James Duguid ("the Applicant")

Gladys Stewart ("the Respondent")

Tribunal Member: Martin J. McAllister (Legal Member)

The Tribunal rejects the application by the applicant received by it on 14 May 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 submitted an application for assistance with obtaining access to the Property.
2. On various occasions the applicant was asked to provide information. On 8 August 2024, he was asked to provide a copy of the letter sent to the Respondent requesting access together with proof of delivery.
3. On 12 August 2024, the Applicant emailed the Tribunal and stated that he was unable to provide a copy of the letter to the Respondent with regard to access.

4. 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”).

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 (“the 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 was asked to provide a copy of the notification given to the Respondent that access was required to the Property and also to provide

evidence of its delivery.

8. Rule 55 (a) (viii) of the Rules requires a tenant to be notified by a landlord that access is required to a let property. Rule 55 (b) (ii) requires a copy of such notification to be submitted with an application under Section 28 A (1) of the 2006 Act.
9. In terms of Rule 5 (3) of the Rules the Applicant has been asked to provide further information.
10. The Applicant has not complied with the requirements of Rules 5 (3) and 55 (b) (ii) of the Rules.

Martin J. McAllister, Legal Member, 23 August 2024