



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/24/3321

Re: Flat 1/2, 7 Onslow Road, Clydebank, G81 2NE ("the Property")

Parties:

Palestrina Properties Ltd ("the Applicant")

Gayle Doran, Hannah Higgins and Jordan Higgins ("the Respondents")

Tribunal Member: Martin J. McAllister (Legal Member)

The Tribunal rejects the application by the applicant received by it on 17 July 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 5 August 2024, the Applicant was asked to provide evidence of notification to the Respondents as required by Rules 55 (a) (viii) 55 b (ii) of the Rules, clarification on the terms of an email sent to the Respondents on 18 June 2024 and proper completion of the application form at section 5 e.
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. No response was received and a further letter was sent on 27 August 2024. No response has been received to either letter sent to the Respondents.

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 was asked to provide information in terms of Rule 5 and Rule 55 (b) (i) of the Rules.

8. The Applicant has not complied with the requirements of Rule 55 (b) (ii) of the Rules.

9. The Applicant has not complied with Rule 5 of the Rules

M McAllister

M J. McAllister, Legal Member, 16 September 2024