

Housing and Property Chamber  
First-tier Tribunal for Scotland



**Decision Under Rule 8(1)(c) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) by a Legal Member with delegated powers from the Chamber President**

Case reference FTS/HPC/CV/24/2887

**Parties**

**Catherine Guo (Applicant)**  
**Unite Student Chalmers Street (Respondent)**

**Flat 43, Block 36, Chalmers Street, Edinburgh, EH3 9FE (House)**

1. By application received by the Tribunal on 25 June 2024 the Applicant sought an order for payment against the Respondent under Rule 70 of the First Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”). The Applicant asked that compensation be awarded to her and her fellow tenants for the Respondent’s failure to carry out repairs to the hot water system.
2. Following receipt of the application the Tribunal wrote to the Applicant by email on 19 July 2024 in the following terms:-

*“Before a decision can be made, we need you to provide us with the following:*

*1. Please consider on what basis the Tribunal has jurisdiction to deal with your claim and provide your written submissions about that. In terms of the Private Housing (Tenancies) (Scotland) Act 2016, a tenancy cannot be a private residential tenancy if the purpose is to confer a right to occupy the property while the tenant is a student and the landlord is an institutional provider of student accommodation.*

*2. The Tribunal does not have the power to consider an application on behalf of multiple tenants.*

*You may wish to consider taking advice from a housing advisory service before responding.*

*Please respond within 14 days. Upon receipt of the above information, a decision can then be taken on whether the application is valid and whether it should be accepted and referred to the tribunal for full determination. If you fail to provide the necessary information the tribunal may reject your application.*

*Please reply to this office with the necessary information by 2 August 2024. If we do not hear from you within this time, the President may decide to reject the application.”*

3. The Tribunal received no response. On 21<sup>st</sup> August 2024 the Tribunal emailed the Applicant again requesting a response to the previous request for information within 14 days. The Applicant was advised that in the absence of a response the Tribunal would have no option but to reject her application. No further correspondence was received from the Applicant.
4. Rule 8(1)(c) of the Rules allows an application to be rejected by the Chamber President if “they have good reason to believe that it would not be appropriate to accept the application”. The Applicant has failed to provide the information requested by the Tribunal which is required for the application to proceed. The Applicant has failed to establish a legal basis whereby the Tribunal has jurisdiction to consider the matter, despite having been asked for submissions on this point. The Applicant has been made aware of the consequences of not providing this information. Accordingly in the absence of any further response from the Applicant it would not be appropriate to accept the application and the application must be rejected.

**NOTE:** What you should do now.

If you accept this decision there is no need to reply. If you disagree with this decision you should note the following: An Applicant aggrieved by this decision of the Chamber President or any legal member acting under delegated powers 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 seek permission to appeal within 30 days of the date the decision was sent them. Information about the appeal procedure can be forwarded on request.

**Ruth O’Hare, Legal Member**  
**3 October 2024**