



**Decision and statement of Reasons of the First Tier Tribunal (Housing and Property Chamber)**

**Under Rule 8 of the First Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ‘the Rules’.**

In respect of application by Mr Christopher Staps and Ms Nadine Staps in terms of Rule 105 of the Rules.

**Case reference FTS/HPC/TE/24/2100**

At Glasgow on 2 September 2024, Lesley Anne Ward, legal member of the First –Tier Tribunal ‘the Tribunal’ with delegated powers of the Chamber President, rejected the above application in terms of Rule 8(1) (c) of the Rules.

1. This is an application by Mr Christopher Staps and Mrs Nadine Staps asking the Tribunal to draw up the terms of a tenancy in terms of rule 105 of the rules.
2. The application was dated 7 May 2024 and received by the Tribunal on 9 May 2024.
3. The in-house convenor reviewed the application and the Tribunal wrote to the applicant on 28 May 2024 as follows:

A Legal Member of the Tribunal with delegated powers of the President has considered your application.

(1) The owner of the property appears to be JF Property Investors Ltd and not the Respondent. The application has to be made against the landlord. The named respondent might be the letting agent. Please confirm if you wish to add the owner of the property as joint Respondent.

(2) Before an application can be made to the Tribunal the tenant must notify the landlord that they intend to make the application using the form prescribed in Schedule 1 of the Private Residential tenancies (Prescribed

Notices and Forms) (Scotland) Regulations 2017. Please provide a copy of his notice with evidence showing that it was sent, such as a copy email. Please note that this should be sent/addressed to the correct respondent(s). (3) You may wish to submit additional evidence such as redacted bank statements showing the rent payments and correspondence with the agent about the occupation of the property. Please respond within 14 days or your application may be rejected.

4. The applicant responded on 6 June 2024 by sending a copy of a notice sent to the landlord. The notice had not expired. No amended application was sent. The applicant also stated the following:

*I also would like to ask if the Tribunal can help to stop the harassment from the property manager and owner of the tribunal against us. We are in constant contact with the police over several incidents, but they can't act and told us to ask the Tribunal for help. In the last 14 days for example they sent again several harassing emails, got access to the property and turned off the power of the property and sent a big guy threatening us at 9:30 in the evening. Maybe the Tribunal can help in any way.*

5. The Tribunal sent a further request for information on 26 June 2024 as follows:

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

The case cannot proceed until the time limit on the Notice you have sent to the landlord expires. In the meantime please send in a fresh application form with the landlord as the Respondent rather than the Applicant. The Tribunal has no power to prevent alleged harassment. Any alleged threats should be reported to the police. Please reply to this office with the necessary information by 10 July 2024. If we do not hear from you within this time, the President may decide to reject the application.

6. The applicant has not responded. A reminder was sent on 26 July 2024 and there has been no response.
7. In terms of Rule 8(1) (c) of the Rules the Chamber President must reject an application if they have good reason to believe it would not be appropriate to accept it. I have reviewed this application today and I consider there are two good reasons why it should not be accepted. It is incomplete and the applicant has failed to respond to two reasonable requests by the Tribunal for further information. The applicant has therefore failed to cooperate with the Tribunal in the execution of its duties.
8. It is open to the applicant to resubmit the application in the correct form with the correct supporting information.

**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.

# L. Ward

Legal Member