



**DECISION AND STATEMENT OF REASONS OF FIONA WATSON, LEGAL
MEMBER OF THE FIRST-TIER TRIBUNAL WITH DELEGATED POWERS OF
THE CHAMBER PRESIDENT**

**Under Rule 8 of the First-tier Tribunal for Scotland Housing and Property
Chamber Rules of Procedure 2017 ("the Rules")**

in connection with

62 Montgomerie Street, Girvan, South Ayrshire, KA26 9HE ("the Property")

Case Reference: FTS/HPC/EV/24/1776

**Tania Carmona, Flat A1/1 Regent Squares, 180 West Regent Street, Glasgow,
G24 RW ("the Applicant")**

**Nancy Hastie, 62 Montgomerie Street, Girvan, South Ayrshire, KA26 9HE ("the
Respondent")**

1. The Applicant seeks a repossession order in terms of Rule 109 of the Rules. The Applicant lodged the following document with the application:
 - (i) Copy bank statements
 - (ii) Rent statement
 - (iii) Copy text messages
 - (iv) Copy tenancy agreement

DECISION

2. The Legal Member 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;

(b) the dispute to which the application relates has been resolved;

(c) they have good reason to believe that it would not be appropriate to accept the application;

(d) they consider that the application is being made for a purpose other than a purpose specified in the application; or

(e) the applicant has previously made an identical or substantially similar application and in the opinion of the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, there has been no significant change in any material considerations since the identical or substantially similar application was determined.

(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.

- 3. After consideration of the application and the documents submitted by the Applicant in support of same, the Legal Member considers that the application should be rejected on the basis that there is good reason to believe that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Rules.**

Reasons for Decision

- 4.** Letters were sent to the Applicant on 16 May 2024, 19 June 2024, 10 September 2024 and 11 November 2024 seeking the following information to be provided:
- (i) A copy of the signed Notice to Leave
 - (ii) Evidence of service of the Notice to leave
 - (iii) A copy of the s11 notice served on the local authority together with evidence of service of same

(iv) Evidence of compliance with the Rent Arrears Pre-Action requirements (Coronavirus) (Scotland) Regulations 2020

5. This information was not provided. It cannot be ascertained if the Notice to Leave was served on the tenant nor can it be ascertained if s56 of the 2016 Act has been adhered to, both of which are requirements that the Tribunal must be satisfied on before granting a repossession order. The application is therefore entirely lacking in the information required and the Legal Member has good reason to believe that it would not be appropriate to accept the application.
6. The Legal Member therefore determines that it would not be appropriate to accept the application. The application is rejected on that basis.

What you should do now

If you accept the Legal Member's decision, there is no need to reply.

If you disagree with this decision –

An applicant aggrieved by the 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 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. Information about the appeal procedure can be forwarded to you on request.

Fiona Watson
Legal Member
27 December 2024