



**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

**45 High Street Top Flat, Montrose, DD10 8LR ("the Property")**

**Case Reference: FTS/HPC/PR/24/4176**

**Svetlana Strode, 6 Bloomfield Gardens, Arbroath, Angus ("the Applicant")**

**Rent Locally Tayside & Fife, Lindsay Court, Gemini Crescent, Dundee, DD2 1SW ("the Respondent")**

1. The Applicant submitted an application under Rule 80 of the Rules. The Applicant lodged no accompanying documents with the application.

**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's representative on 3 October 2024 and 19 November 2024 seeking clarification on the following issues:
  - (i) Why the Applicant is relying upon rule 80. Rule 80 applies to regulated tenancies, and it appeared from a review of the application that the tenancy between the parties is a private residential tenancy.
  - (ii) Clarification on what the Applicant is asking the Tribunal to do. Section 7(c) of the application was blank, which requires the applicant to state the order being sought from the Tribunal.
  - (iii) A letter of consent from the tenant authorising the applicant to represent her in any proceedings before the Tribunal was requested.

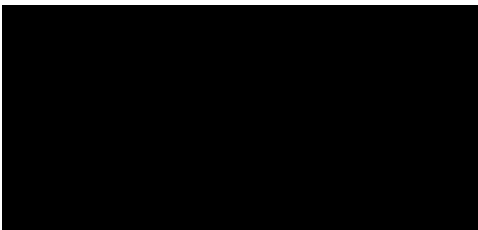
5. The Applicant was notified that the application would have to be rejected, unless they were able to submit an amended application under a rule relevant to the tenancy, with clear information about the reasons for the application and the order being sought from the Tribunal.
6. The information requested was not provided despite two requests. 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.
7. 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  
30 December 2024