



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 Hannah Gunn and Duncan Gunn in terms of rule 111 of the Rules.

Respondent: Letting Protection Scotland

Case reference FTS/HPC/CV/24/4013

At Glasgow on the 13 January 2025, 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 Hannah Gunn and Duncan Gunn in terms of rule 111 for civil proceedings arising out of a private residential tenancy agreement for 20 Eden Street Glasgow G33 2AG ‘the property’. The application was made on 30 August 2024.
2. The inhouse convenor reviewed the application and the Tribunal wrote to the applicant on 7 October 2024 seeking further information as follows:

Your claim appears to be based on an alleged breach by the Letting Protection Service of their terms and conditions which led to the return of your tenancy deposit to the landlord. Can you please explain the legal basis upon which you believe the Tribunal has jurisdiction to consider this matter and provide written submissions on this point. You have raised the application under Rule 70. Rule 70 applies to applications for civil proceedings under an assured tenancy and it is difficult to see how this relates to the circumstances you have outlined in your application. We would respectfully suggest you may wish to seek advice from a solicitor or advice agency regarding your application as these issues can be complex. The Tribunal cannot provide you with legal advice but there are details of advice agencies under the Useful

Links section of the Tribunal website. Please reply to this office with the necessary information by 21 October 2024. If we do not hear from you within this time, the President may decide to reject the application.

3. The request for further information referred to rule 70 in error, rather than rule 111, however the substantive point, that the application appeared to relate to an alleged breach by the Letting protection Service, rather than a claim arising out of a tenancy agreement, was made.
4. The applicant did not make a substantive reply to the further information request. The applicant sent a copy of a redacted tenancy agreement to the Tribunal. The applicant also write to the Tribunal on 7 October 2024 stating:

Citizens Advice have guided us to apply under rule 70 as we were unsure what rule this application was best made. Would you be able to help guide up to which rule this may be suitable where there has been a fundamental breach of contract by LPS?

5. The Tribunal sent a reminder to the applicant on 28 November 2024. No reply has been received.
6. In terms of Rule 8(c) of the rules the Chamber President, or another member of the Tribunal acting under the delegated powers of the Chamber President, must reject an application if they have good reason to believe it would not be appropriate to accept it. I have good reason not to accept this application as the applicant has failed to respond to two reasonable requests by the Tribunal for further information and has failed to cooperate with the Tribunal in the execution of its duties. The applicant also appears to be seeking advice from the Tribunal as to how to proceed. The Tribunal is an impartial body and cannot provide legal advice.

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.

Lesley Anne Ward

Legal Member

