



**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

**18 Drinnies Crescent, Dyce, Aberdeen, AB21 7LP ("the Property")**

**Case Reference: FTS/HPC/CV/24/3915**

**Darren Simpson, 15 Craigden, Aberdeen, AB15 5YW ("the Applicant")**

**Miss Melissa Anderson, whose current whereabouts are unknown ("the  
Respondent")**

1. The Applicant seeks a payment order in terms of Rule 111 of the Rules. The Applicant lodged the following document with the application:
  - (i) Rent statement
  - (ii) 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's representative on 24 September 2024 and 6 November 2024 seeking clarification from the Applicant's representative as to the current address of the Respondent, in order that the application could be duly intimated. The Applicant's representative was advised that if an address could not be found, then an application for Service by Advertisement should be made along with a negative tracing report from a sheriff officer or tracing agency. A mandate was also requested from the Applicant's representative, authorising them to make the application on the Applicant's behalf. This information was not provided and no application for Service by Advertisement

was made. The application is therefore entirely lacking in the information required in order to enable same to be duly intimated on the Respondent.

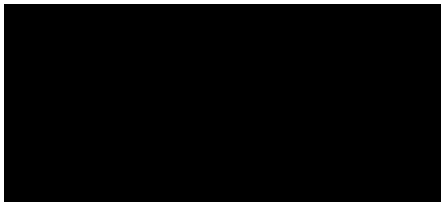
5. The Legal Member therefore determines that it would not be appropriate to accept the application. The application is rejected on that basis.

### **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 appeal within 30 days of the date the decision was sent to you. The appeal procedure can be forwarded to you on request.



Legal Member  
16 December 2024