

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rules 8(1) and 26 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Chamber Ref: FTS/HPC/CV/24/4167

Central House, 1/10, Jamaica Street, Glasgow, G1 4QG ("the Property")

Parties:

Xenia Lettings Ltd ("Applicant")

Elaine Bracher, Romany Lang-Stephens, Rory Walker ("Respondent")

Tribunal Member: Ruth O'Hare (Legal Member) with delegated powers from the Chamber President

Decision

The Tribunal rejects the application by the Applicant received by it on 5 September 2024 under Rule 8(1)(c) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules").

Background

- 1 The Applicant submitted an application to the Tribunal under Rule 111 seeking an order for payment against the Respondents in respect of unpaid rent arrears.
- 2 Following review of the application by a Legal Member of the Tribunal with delegated powers from the Chamber President the Tribunal wrote to the Applicant on 7 October 2024. The Tribunal noted that the Applicant appeared to be the letting agent when instead it should be the owner and landlord of the property. The Applicant was asked to provide an amended application Form F, a written mandate authorising them to act on behalf of the landlord, evidence of landlord registration, and vouching for all of the sums sought.
- 3 On 16 October 2024 the Tribunal received an email from the Applicant requesting an extension to provide the information requested. On 18 October 2024 the Tribunal wrote to the Applicant agreeing to the extension request and asked for the information to be provided no later than 4 November 2024.
- 4 On 4 November 2024 the Applicant emailed the Tribunal again asking for a further extension of 14 days to provide the information. The Applicant advised

that the amended Form F was with the landlord for signature. On 5 November 2024 the Tribunal wrote to the Applicant agreeing to the further extension request and asked for the information to be provided no later than 18 November 2024.

- 5 On 18 November 2024 the Tribunal received an email from the Applicant with an amended Form F application form that was incomplete. On 16 December 2024 the Tribunal wrote to the Applicant requesting an amended Form F and reiterating that the Applicant could not be the letting agent. The Applicant was asked to provide a mandate from the landlord and clarification on the sum sought with vouching.
- 6 No further response was received from the Applicant.

Reasons for Decision

- 7 The Legal Member considered the application in terms of the Rules and determined that the application should be rejected in terms of Rule 8(1) (c) which states that an application must be rejected if the Tribunal has “good reason to believe that it would not be appropriate to accept the application.” The basis of the decision is that the Applicant has failed to provide the information requested by the Tribunal under Rule 5(3) of the Rules which is necessary to meet the required manner for lodgement. The Applicant has been asked for the information on several occasions. The Applicant has been warned that a failure to provide the information may result in the application being rejected. Accordingly the Legal Member has concluded that the application cannot be accepted in its current form and must be rejected under Rule 8(1)(c).

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: A party 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.

R O'Hare

Ruth O'Hare, Legal Member
28 January 2025