



**Decision with Statement of Reasons of Alan Strain, Legal Member of the First-tier Tribunal with delegated powers of the Chamber President of the First-tier Tribunal for Scotland (Housing and Property Chamber)**

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

**Chamber Ref: FTS/HPC/CV/24/1703**

**Parties**

**Mrs Sara Campbell (Applicant)**

**Miss Lauraine Sweeney (Respondent)**

**80 Ellisland Square, Ayr, KA7 3EE (House)**

**Tribunal Member:**

**Alan Strain (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the application should be rejected on the basis that it would not be appropriate to accept the application in terms of Rule 8(1)(c).**

**Background**

1. The application was received by the Tribunal under Rule 111 on 12 April 2024.
2. The application was considered by the Tribunal and further information was requested by email of 26 August 2024 followed by reminder of 29 October 2024.

The Applicant was requested to provide:

*"Before a decision can be made, we need you to provide us with the following: The Tribunal wrote to the Applicant's Representative on 14 May 2024, 6 June 2024 and 1 July 2024 requesting further information. The Tribunal received an email from the Applicant's agent on 2 August 2024 for the related case PR/23/2931 in which the Representative advised that they are now closing their case. Please now provide the following information urgently for the CV/24/1703 case, which is still a live case: 1. Please confirm who is now the person to whom the Tribunal should direct correspondence. 2. Please, as requested on several previous occasions, state how*

*the Applicant has calculated her loss. The Tribunal cannot simply accept a list of items with unsupported valuations. If you have made the calculation on replacement values, please provide evidence of these values, for example advertisements of similar items online or in a catalogue so that it is clear what the nature and the replacement value of the items would be. Please also for each item state how many years ago this was purchased. 3. Please state the legal basis for the claim. Please note that unless the Tribunal receives an answer to this request by 10 September 2024, it will assume that the Applicant no longer has any interest in the matter and is no longer cooperating with the Tribunal process. The Tribunal would then issue a rejection Supported by the Scottish Courts and Tribunals Service [www.scotcourtribunals.gov.uk](http://www.scotcourtribunals.gov.uk) decision under Rule 8. This will contain the Applicant's details and will be published in the public decision register. Please reply to this office with the necessary information by 9 September 2024. If we do not hear from you within this time, the President may decide to reject the application."*

The Applicant failed to respond.

### **Reasons for Decision**

3. The Tribunal 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;·*  
*(c) they have good reason to believe that it would not be appropriate to accept the application;*

*(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."*

4. The application seeks to proceed under Rule 111. The Applicant has failed to provide necessary information as detailed in paragraph 2 above. The Tribunal cannot grant an order under Rule 111 without the information requested. The Applicant has been warned on 26 August 2024 followed by reminder of 29 October 2024 that if the information was not provided then the application may be rejected.

5. The Tribunal consider that the failure to provide the required information constitutes good reason why the application should not be accepted. The application is accordingly rejected.

### **Right of Appeal**

**In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal 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.**

Alan Strain

**27 December 2024**

---

**Legal Member/Chair**

---

**Date**