



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

Chamber Ref: FTS/HPC/RE/24/5402

Re: 2F2, 26 Hillside Street, Edinburgh, EH7 5HB ("the Property")

Parties:

Mar Bowns ("the Applicant")

Georgios Machtsiras ("the Applicant's Representative")

Sepideh Dagbandan ("the Respondent")

Tribunal Member: Martin J. McAllister (Legal Member)

The Tribunal rejects the application by the Applicant dated 22 November 2024 which is an application under Section 28 A (1) of the Housing (Scotland) Act 2006 (“the 2006 Act”) and Rule 55 of the Rules.

Background

1. The Applicant's Representative submitted an application dated 22 November 2024 for assistance with obtaining access to the Property.
2. On 12 December 2024, the Applicant's Representative was written to. It was pointed out to him that there appear to be two tenants and that, if there were, both would need to be included in the application.

3. The request for information was in terms of Rule 5 (3) of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”).
4. No response was received from either the Applicant or the Applicant’s Representative and the Tribunal sent a further letter to the Applicant’s Representative on 7 January 2025. No response was received.

Decision

5. **After consideration of the application, the Legal Member considers 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 comply with Rule 5 of the Rules and Section 28.**

Reasons

6. The Legal Member considered the application in terms of Rule 5 and Rule 55 of the Chamber Procedural Rules. Rule 5 provides: - (1) An application is held to have been made on the date that it is lodged if, on that date, it is lodged in the manner as set out in rules 43, 47 to 50, 55, 59, 61, 65 to 70, 72, 75 to 91, 93 to 95, 98 to 101, 103 or 105 to 111, as appropriate. (2) The Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, must determine whether an application has been lodged in the required manner by assessing whether all mandatory requirements for lodgment have been met. (3) If it is determined that an application has not been lodged in the prescribed manner, the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, may request further documents and the application is to be held to be made on the date that the First-tier Tribunal receives the last of any outstanding documents necessary to meet the requirement manner for lodgment. “

7. The Applicant was asked to properly complete the application form because it had not been submitted in the prescribed manner. He failed to do so.

M McAllister

Martin J. McAllister, Legal Member, 10 February 2025