



**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

275 Sandpiper Drive, East Kilbride, G75 8UN ("the Property")

Case Reference: FTS/HPC/EV/24/3774

Colin Flynn, Flat 1, 33 Menteith Place, Rutherglen, G73 5RQ ("the Applicant")

1. The Applicant's agent, Bensons Estate Agents, submitted an application under Rule 109 of the Rules. The Applicant's agent lodged the following documents with the application:
 - (i) Post office receipt
 - (ii) Rent statement
 - (iii) Emails between the Applicant's letting agent and the Respondent
 - (iv) Copy notice to leave
 - (v) Copy section 11 notice together with evidence of service
 - (vi) Inventory report

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 agent on 12 September 2024, 30 October 2024, 11 November 2024 and 31 December 2024 seeking the following information to enable the application to proceed:

- (i) A mandate from the applicant authorising the agent to act in this matter.
 - (ii) A copy of the tenancy agreement.
 - (iii) Proof of service of the notice to leave. The applicant had provided a postal receipt, but this did not constitute proof of delivery.
 - (iv) The registered landlord and owner of the property was noted as being Rannoch Property Investments Ltd. Clarification was sought as to the applicant's right title and interest to make the application or amend it.
 - (v) Evidence of compliance with the pre-action requirements.
 - (vi) A copy of the rent increase notice.
5. The Applicant's agent was notified that the application would have to be rejected, unless they submitted the information requested.
6. The information requested was not provided despite four requests. The application is therefore entirely lacking in the information required and the Legal Member has good reason to believe that it would not be appropriate to accept the application.
7. 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 seek permission to appeal within 30 days of the date the decision was sent to them. Information about the appeal procedure can be forwarded to you on request.

Fiona Watson
Legal Member
14 February 2025