



**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

11 The Nebit, Alva, FK12 5DG ("the Property")

Case Reference: FTS/HPC/EV/24/5188

**WD Young Property Limited, 4 The Vennel, Linlithgow, EH49 7EX ("the
Applicant")**

1. The Applicant's agent, Paul Rolfe Letting, submitted an application under Rule 109 of the Rules. The Applicant's agent lodged the following documents with the application:
 - (i) Copy tenant agreement
 - (ii) Email from tenant confirming receipt of notice to leave
 - (iii) Copy notice to leave
 - (iv) Copy section 11 notice together with evidence of service
 - (v) Emails between the Applicant and their letting agent
 - (vi) Proof of property ownership

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 13 December 2024 and 16 January 2025 seeking the following information to enable the application to proceed:
 - (i) appropriate evidence supporting ground 1 of Schedule 3 to the said 2016 Act, upon which ground the applicant sought to rely.
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 two 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.

F. Watson

Legal Member
28 February 2025