



**DECISION AND STATEMENT OF REASONS OF JAMES BAULD, 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 Procedural Rules")

in connection with

Case reference FTS/HPC/EV/24/4620

**Parties**

**Ms Anna Patfield (Applicant)**

**McCash & Hunter LLP (Applicant's Representative)**

**2/3 13 Inchaffray Street, Perth, PH1 5RU (House)**

1. The application was made under Rule 65 of the Procedural Rules being an application for an eviction order in connection with a short assured tenancy. The application was accompanied by supporting documentation
2. By way of email dated 31 October 2024<sup>3</sup> a request for further information was sent to the Applicant. No substantive response was received to that request
3. A second request for the further information was sent to the applicant by way of letter and email dated 11 December 2024<sup>2024</sup>. No response was received to that request.

4. A third request for further information was sent on 5 February 2025.

5. The terms of that letter included the following...

**“ We refer to the Tribunal’s previous requests for information regarding this application and note that we do not appear to have received any response from you. We will allow one final opportunity for you to provide the information requested which is required before your application can proceed any further. If you do not provide the information within 14 days it is likely that your application will be rejected without further notice. Please reply to this office with the necessary information by 19 February 2025. If we do not hear from you within this time, the President may decide to reject the application”.**

6. No response has been received to that request.

## **DECISION**

7. The circumstances in which an application is to be rejected are governed by 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."*

- 8. After consideration of the application, the further information referred to and correspondence from the Applicant, the Legal Member considers that the application should be rejected on the basis that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Procedural Rules.**

## **REASONS FOR DECISION**

9. Three requests were made for further information from the Applicant. This additional information requested was necessary to allow the application to proceed. The applicant was informed that the additional information was essential to allow further progress of the application and was warned that failure to respond may lead to the application being rejected.
10. In the absence of any response by the Applicant, it would not be appropriate to accept the application and accordingly it is rejected.

**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.

Mr James Bauld  
Legal Member  
24 March 2025