



**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/CV/24/4164

Parties

Xenia Lettings Ltd (Applicant)

Saint Andrews Court 1-07, 21 Saint Andrews Street, Glasgow, G1 5PA (House)

1. The application was made under Rule 111 of the Procedural Rules being an application for a payment order in connection with a private residential tenancy. The application was accompanied by supporting documentation
2. By way of email dated 9 October 2024 a request for further information was sent to the Applicant. The applicant was asked to respond by 23 October 2024. No substantive response was received to that request, however the applicants asked for an extension of time to respond which was granted by the tribunal.
3. No substantive response was received after the extension had been granted. Two further requests for an extension of time to reply were granted by the

tribunal on 5 and 28 November, both 2024.

4. A final request for further information was sent on 17 February 2025.
5. The terms of that letter included the following...

“It is noted that you have failed to provide the further information requested by email and letter dated 9 October 2024 . You have sought and been granted three extensions to provide this information. We now write to advise you that if you fail to provide this information within the next two weeks the tribunal will have no option but to reject your application. You should be aware that the Tribunal has the power to reject applications on grounds set out in rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations. Please reply to this office with the necessary information by 3 March 2025”.

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. Two requests were made for further information from the Applicant. Three extensions of time were allowed in respect of their original request. 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

31 March 2025