



**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

**5 Balgersho Home Farm, Couper Angus, Blairgowrie, PH13 9JE ("the
Property")**

Case Reference: FTS/HPC/EV/24/4265

**Balgersho Farms Ltd, West Balgersho Farm, Couper Angus, Blairgowrie, PH13
9LW ("the Applicant")**

1. The Applicant's representative submitted an application under Rule 109 of the Rules. The Applicant lodged the following documents with the application:
 - (i) Affidavit
 - (ii) Notice to Leave and evidence of service
 - (iii) Section 11 notice and evidence of service

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. An email was sent to the Applicant's representative on 13 November 2024 seeking the following information to enable the application to proceed:
 - (i) "You have made the application in terms of ground 5. However, the owner and registered landlord is a limited company, not a natural person,

and is a separate legal entity from its directors. A limited company cannot have a family. Please clarify the basis upon which the application can proceed on this ground. You may wish to take legal advice before you respond.”

5. The Applicant's representative failed to respond. A further email was sent to the Applicant's representative on 22 January 2025 requesting the information by 29 January 2025, failing which confirmation that the application was to be withdrawn. The Applicant's representative again failed to respond.
6. The Legal Member therefore determines that the application is lacking in specification as to the basis of the ground being relied upon, and 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

Fiona Watson
Legal Member
8 March 2025