

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of Karen Moore, Legal Member of the First tier Tribunal with delegated powers of the Chamber President of the First-tier Tribunal for Scotland (Housing and Property Chamber), under Rule 8 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Case reference FTS/HPC/EV/25/2280

Parties

Mr Christopher Dunn (Applicant)

K Property (Applicant’s Representative)

235 Ash Road, Abronhill, Cumbernauld, G67 3EA (House)

Karen Moore (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be dismissed on the basis that it would not be appropriate to accept the application in terms of Rule 8(1)(c).

Background

1. The application was received by the Tribunal on 27 May 2025 under Rule 109 of the Tribunal Rules and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”).
2. The application was considered by the Tribunal and found to be defective as it did not conform to the Tribunal Rules nor did it proceed on the correct statutory basis. The Applicant’s Representative was contacted by email on 1 July 2025 which email set out clearly the various defects in the application and the information and documentation required to allow the application to proceed. The Applicant’s Representative replied on that date that the tenant might be acquiring the Property and indicated that the application might be withdrawn. The Tribunal contacted that Applicant’s Representative by email on 5 August 2025 for an update on the intention to withdraw the application and gave a deadline for response of 19 August 2025. The email of 5 August 2025 advised that if the application was not withdrawn and if the information and documentation requested on 1 July 2025 were not submitted, the application was likely to be rejected.
3. No reply was received from the Applicant’s Representative and no indication was given that the correct information and documentation would or could be submitted to comply with the 2016 Act or the Tribunal Rules. The application was not withdrawn.

Reasons for Decision

4. The Tribunal 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; (c) they have good reason to believe that it would not be appropriate to accept the application; (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."

5. The Tribunal cannot grant the application if it is incomplete, proceeds on the wrong basis and does not conform to the Tribunal Rules. As the Applicant has been given clear information on the defects in the application and has failed to correct the defects, and, as she has been given fair notice that failing to do so might mean that the application might be rejected, the Tribunal considers that there is no prospect of the application being acceptable in terms of the Tribunal Rules. Accordingly, there is good reason to believe that it would not be appropriate to accept the application and so the application is rejected.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal 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.

Karen Moore

Legal Member

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