

Housing and Property Chamber
First-tier Tribunal for Scotland



**DECISION AND STATEMENT OF REASONS OF ALISON KELLY, 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

9H sunnyside Road, Coatbridge, ML5 3DG ("the Property")

Case Reference: FTS/HPC/CV/25/2295

Karen Wong ("the Applicant")

1. The application was made, on 28th May 2025, under Rule 111 of the Procedural Rules being an application for payment of a sum due by way of rent arrears. The application was accompanied by an application fore eviction with case reference FTS/HPC/EV/25/2294 seeking eviction of the Respondent from the property.
2. On 4th August 2025 the Applicant's solicitor sent an email to the Tribunal withdrawing the eviction action as the Respondent had left the property, and confirming that the Applicant wished to proceed with the payment application.
3. On 12th August 2025 the Tribunal sent an email to the Applicant's solicitor seeking an up to date address for the Respondent, which is required for service of the application.
4. On 1st September 2025 an email was sent to the Applicant's solicitor asking again for an address, or for a Service by Advertisement application and a Sheriff

officer's tracing report. The Applicant's solicitor has not responded to this request.

DECISION

5. 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."

6. 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

7. The Applicant has not provided an address, nor has she provided a Service by Advertisement application and a Sheriff officer's tracing report.
8. In the absence of any means of serving the application on the Respondent 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.

A Kelly

Alison Kelly
Legal Member
10th November 2025