



**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/RP/25/3890**

**Mr Nikhil Varma (Applicant)**

**The Coach House, 6 Cumberland Street South East Lane, Edinburgh, EH3 6RU  
(House)**

**Background**

1. The application was apparently made under Rule 48 of the Procedural Rules being an application for determination of whether a landlord had failed to comply with the repairing standard in terms of the Housing (Scotland) act 2006. The application was accompanied by supporting documentation.
2. By way of email dated 15 December 2025 a request for further information was sent to the Applicant. No substantive response was received to that request
3. A second request for further information was sent to the applicant by way of letter and email dated 21 January 2026. No response was received to that request.
4. A third request for further information was sent on 23 March 2026. No response was received to that request.

5. The terms of the email of 23 March 2026 included the following...

**““We refer to the Tribunal’s request for information dated 15 December 2025, attached, and our subsequent reminder dated 21 January 2026. We do not appear to have received a response from you. Your application cannot progress any further without the information requested by the Tribunal. If you fail to respond it is likely that your application will be rejected by the Chamber President and a decision published on the Tribunal’s website. We will give you a final opportunity to provide the information. Please reply by no later than 6 April 2026**

**”**

6. No response has been received to any of the requests.

## **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 the 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

26 May 2026