



**DECISION AND STATEMENT OF REASONS OF PETRA HENNIG MCFATRIDGE 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

3 - 5 Duke Street, Hawick, TD9 9PY ("the property")

Case reference FTS/HPC/ CV/21/0698

Parties

Mrs Joanne Golton (Applicant)

Miss Joanne Scott (Respondent)

(Applicant's Representative)

A BACKGROUND

1. On 17 March 2021 the applicant's representative Ms Tofts, Catford Investments Ltd lodged with the First –tier Tribunal for Scotland, Housing and Property Chamber (the FTT) an application made under Rule 111 of the Procedural Rules regarding rent arrears arising during a tenancy commencing 28 June 2018 in which the Applicant is named as the landlord.
2. The title deeds to the property state as the proprietor a Nicholas Comer and the

landlord registration for the property is in the name of Nick Comer. There was no authorization letter for Catford Investments Ltd with the application.

3. On 30 March 2021, 23 April 2021, 17 May 2021 and 9 June 2021 respectively the Tribunal wrote to the Applicant's representatives setting out the information in the title deeds and landlord registration and asking the Applicant to provide evidence that she has title and interest to make the application and to act as landlord, to provide her landlord registration and for the representative to provide proof of authorization. The Applicant was advised that without this information the application may have to be refused.
4. There was no reply from the Applicant or her representative to the letters from the Tribunal requesting further information.
5. The documents are referred to for their terms and are held to be incorporated herein.

B DECISION

1. I considered the application in terms of Rule 8 of the 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."

- 2. After consideration of the application, the attachments and correspondence from the Applicant, I consider that the application should be rejected in terms of Rule 8 (c) of the Rules of Procedure on the basis as the Tribunal has good reason to believe that it would not be appropriate to accept the application.**

C REASONS FOR DECISION

1. Any Applicant making an application to the Tribunal has to have title and interest to make such an application. This is usually verified by the Tribunal consulting public registers such as the title deeds or the landlord register.
2. Both public registers consulted did not provide any information indicating Applicant as either the owner of the property or the landlord registered in the landlord register and both public records disclosed the same named individual as being both owner of and the landlord registered for the property.
3. In those circumstances the Tribunal will ask the Applicant to then provide evidence of their authorization to act and landlord, their landlord registration to create the necessary link to show the title and interest of the Applicant in the application.
4. The Tribunal wrote to the Applicant's representative on 4 occasions, each time asking for the evidence to show the Applicant's entitlement to act and landlord and proof of her landlord registration. There was no reply to the letters requesting this. No explanation was provided and no contact in any other form made by the Applicant.
5. It is not clear that the Applicant had title and interest to make the application as it is not clear whether the Applicant was entitled to act as landlord for the property and had the appropriate landlord registration. The continued silence from the Applicant despite four letters from the Tribunal requesting this information and advising the Applicant that without a reply the application may have to be rejected indicates that the Applicant is no longer insisting on the application. It would not be appropriate for the Tribunal to accept an application in these circumstances due to lack of insistence from the Applicant.

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.