



Decision with Statement of Reasons of Alan Strain, 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 Rules of Procedure 2017 ("the Rules")

Chamber Ref: FTS/HPC/CV/23/0842

Re: 16/2 Atholl Street, Perth, PH1 5NP ("the Property")

Parties

Mr Ozcan Karabey (Applicant)

Atholl Lettings (Respondent)

Tribunal Member:

Alan Strain (Legal Member)

Decision

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

Background

1. The application was received by the Tribunal under Rule 111 on 16 March 2023.
2. The application was considered by the Tribunal on 13 June 2023. The Tribunal wrote to the Applicant in the following terms:

"The Tribunal cannot make the orders sought. It has no jurisdiction to order the landlord to pay the council tax bill or to direct Sheriff Officers and the local authority not to proceed against the Applicant. Please confirm that the Applicant is withdrawing the application."

The Applicant did not respond. The Tribunal sent a reminder by email of 29 July 2023.

Reasons for Decision

3. 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."

4. The application seeks to proceed under Rule 111 in respect of matters it has no jurisdiction over.

5. The Tribunal considers that it would not be appropriate to accept the application in the circumstances. The application is accordingly 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.

Alan Strain

7 September 2023

Legal Member/Chair

Date