# Housing and Property Chamber
## First-tier Tribunal for Scotland

**DECISION AND STATEMENT OF REASONS OF ANDREW UPTON, 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

5 Queens Court, Dunfermline, Fife, KY12 7JD

**Case Reference: FTS/HPC/CV/19/1165**

**Mr Martin Rowan ("the applicant")**

**Morgans, Solicitors ("the applicant's representative")**

**Mr John Rogan ("the respondent")**

1. On 16 April 2019, an unsigned application was received from the applicant. The application was made under Rule 70 of the Procedural Rules being an application for civil proceedings.

2. By letter dated 17 April 2019, the Tribunal requested that the applicant's representative provide a signed application. By email on 25 April 2019, the applicant's representative stated that a signed application had been sent to the Tribunal. A signed application was not received by the Tribunal. By email dated 7 June 2019, the Tribunal wrote to the applicant's representative to request that a signed application be provided to the Tribunal by 14 June 2019 under explanation that the application may be rejected if a signed application

was not received within that timescale.

**DECISION**

3. 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."*

4. After consideration of the application, the attachments and correspondence from the applicant, I consider that the application should be rejected on the

basis that I have good reason to believe 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

5. The applicant has been asked to provide a signed application to the Tribunal to allow the matter to proceed. In simple terms, the application cannot be verified without being properly executed. The applicant has been given time to correct this issue and fair notice of the consequences of not doing so.

6. For those reasons, it is my view that it would be inappropriate in these circumstances to accept this application in terms of Rule 8(c). I reject the application.

### 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.

Andrew Upton
Legal Member
28 June 2019