

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of Joan Devine, 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/19/1287

Re: Flat 2/5, Harrismith Place, Edinburgh EH7 5PA ("House")

Parties:

Robert Turnbull ("Applicant").

Ms Rosemary Clunie ("Respondent")

Tribunal Member:

Joan Devine (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("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 First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 ("the Rules").

Background

The Application was received by the Tribunal under Rule 70 on 26 April 2019. The Applicant sought payment of arrears of rent in respect of a tenancy agreement entered into between the Applicant and the Respondent. The Application did not state an address for the Respondent. The Applicant submitted a request for service by advertisement dated 26 April 2019. On 25 June 2019 the Tribunal asked the Applicant to provide evidence of a tracing agent having been employed to attempt to find and address for the Respondent. On 25 July 2019 the Tribunal wrote to the Applicant noting that no reply had been received to the letter of 25 June 2019. No reply was received.

On 20 August 2019 the Application was considered by the Tribunal. The Tribunal noted that there was no response had been received to the inquiries of 25 June and 25 July 2019.

Reasons for Decision

The Tribunal considered the application in terms of Rule 8 of the Rules which states :

"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-

(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."

In light of the lack of a response from the Applicant, the Tribunal determined that the Application should be 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.

Joan Devine

Legal Member

20 August 2019

Date