



**DECISION AND STATEMENT OF REASONS OF MS. SUSANNE L. M. TANNER Q.C.,  
LEGAL MEMBER OF THE FIRST-TIER TRIBUNAL WITH DELEGATED POWERS OF  
THE CHAMBER PRESIDENT**

**Under Schedule 1, Rule 8 of The First-tier Tribunal for Scotland Housing and  
Property Chamber (Procedure) Regulations 2017, as amended ("the 2017 Rules")**

**in connection with**

**Ref: FTS/HPC/CV/21/0971**

**Re: 1/1 117 Allison Street, Glasgow, G42 8NE ("the Property")**

**Miss Nicola Sharp, N & S Properties 9 Buckingham Street, Glasgow, G12 8DL ("the  
Applicant")**

**Redbox PS, 589 Lawmoor Street, Glasgow, G5 0TT ("the Applicant's Representative")**

**Ms Luliana Teglas 1/1 117 Allison Street, Glasgow, G42 8NE ("the Respondent")**

**DECISION**

**It was determined by the Legal Member acting under the delegated powers of the  
Chamber President, in terms of 8 of the 2017 Rules that there was a 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, therefore the Application must be  
rejected in terms of Rule 8(1).**

**REASONS**

- 1. An application dated 19 April 2021, was received from the Applicant's  
Representative ("the Application"). The Application was made under Rule 70 of the 2017  
Rules, being an application for civil proceedings in relation to an assured tenancy under  
the 1988 Act. The Applicant's Representative attached a number of documents.**
- 2. An application made in terms of Rule 70 must-**

- a. State-
    - i. The name and address of the person;
    - ii. The name and address of any other party; and
    - iii. The reason for making the application.
  - b. be accompanied by-
    - i. evidence to support the application; and
    - ii. a copy of any relevant document; and
  - c. Be signed and dated by the landlord or a representative of the landlord.
3. On 29 April 2021, the Application was considered by a Legal Member with the delegated powers of the Chamber President and a letter was sent to the Applicant's Representative, as follows:

*Before a decision can be made, we need you to provide us with the following:*

*“..."*

*5. JAMES SHARP is also named on the title deeds for the property as one of the partners of N&S Properties, please amend both applications to include this partner or explain why he no longer has an interest in these proceedings.*

*..."*

*7. In relation to the civil proceedings please provide evidence that the tenant is aware of the rent arrears and has delayed or refused to repay them.*

*Please reply to this office with the necessary information by 13 May 2021. If we do not hear from you within this time, the President may decide to reject the application.”*

4. On 11 May 2021, the Applicant's Representative responded to the request for further information and provided some information. However, the required evidence was not provided.
5. On 19 May 2021, the Application was considered by a Legal Member with the delegated powers of the Chamber President and a letter was sent to the Applicant's Representative, as follows:

*“I refer to your recent application which has been referred to the Chamber President for consideration.*

*Before a decision can be made, we need you to provide us with the following:*

*Further information is required to enable your application to be considered, as per the letter which was sent to you on 29 April 2021. You have not provided any substantive response to the 2 points which were raised in relation to the civil application (points 5 and 7) and the deadline for the response has passed. The deadline will be extended to [7 days]. If you do not provide the information it is likely that your application for eviction will be rejected. Please note that as the Applicant's Representative it is a matter for you to submit the application and supporting documents. The tribunal cannot contact you to discuss matters or provide advice to you as it is a neutral judicial body. If you require advice in relation to your application you should contact a solicitor or housing adviser.*

*Please reply to this office with the necessary information by 2 June 2021. If we do not hear from you within this time, the President may decide to reject the application.*

*If you require any further information, please contact us, quoting your reference number."*

6. The Applicant's Representative failed to respond to the request for further information.
7. On 16 June 2021, the Application was considered by a legal member acting under the delegated powers of the Chamber President, in terms of Rules 5, 8 and 70 of the 2017 Rules.
8. Rule 8 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."*

9. After consideration of the Application, the attachments and the repeated further information requests, it was determined that the requirements for making an application under Rule 70 have not been met. At the time at which it was made, the Application did not meet the requirements for making an Application in terms of Rule 70. The Applicant's Representative has only partially responded to the tribunal's first information request and failed to respond to the following further information request. The Applicant's Representative has not provided the required information within the stipulated timescales. For those reasons, it was determined that there was a 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; therefore the Application must be rejected in terms of Rule 8(1).

**10. What you should do now**

- a. If you accept the Legal Member's decision, there is no need to reply.
- b. 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.

Legal Member  
16 June 2021