

Housing and Property Chamber
First-tier Tribunal for Scotland



**DECISION AND STATEMENT OF REASONS OF ALISON KELLY, 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 Rules")

In connection with

70/1 Salamander Street, Edinburgh, EH6 7JY

Case Reference: FTS/HPC/CV/18/2785

Northern Housing Company ("the Applicant")

Mr Raymond Young ("the Respondent")

On 10th October 2018 the Applicant lodged an application under Rule 70 for payment. By letter dated 7th November 2018 the tribunal requested confirmation of whether the Application was to run in the name of the landlord or in the name of Northern Housing, and also copies of any correspondence received from the respondent. The Applicant was asked to provide this information by 21st November 2018. The Applicants responded on 19th November 2019. On 6th December 2018 the tribunal wrote to the Applicants requesting written authorisation from Leith Links NHT 2011 LLP for Northern Housing Company to act as their agents. A reply was requested by 20th December 2018. The Applicants responded on 22nd January 2019. On 13th February 2019 the tribunal wrote to the Applicant requesting specific evidence that there was

authority for Northern Housing Company to represent Leith Links NHT 2011 LLP. A response was requested by 27th February 2019. The Applicants sent an email on 28th February 2019 requesting an extension of the time limit. On 11th March 2019 the Tribunal sent an email to the Applicants giving an extension of two weeks, to 25th March 2019. On 4th April 2019 the Applicants sent an email asking that the Application be considered without the requested information. On 25th April 2019 an email was sent by the Tribunal to the Applicants stating that a letter of authorisation needed to be provided, and asking for it to be submitted by 9th May 2019. On 23rd May 2019 the Tribunal sent a further letter to the Applicants asking for the information by 6th June 2019. No response has been received from the Applicants. A reminder was issued on 22nd February 2019. A further letter was sent on 4th April 2019. No response has been received to that correspondence.

DECISION

I 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;

(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 and supporting documentation, I consider that the application should be rejected on the basis that it is not appropriate to accept it in terms of Rule 8(1) (c) of the Procedural Rules.

REASONS FOR DECISION

The Applicant has failed to respond to request for further information, and according the application falls to be rejected.

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.

Miss Alison Kelly
Legal Member
24th June 2019