

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

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**DECISION AND STATEMENT OF REASONS OF DAVID M PRESTON, 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

39 North Hamilton Street, Kilmarnock KA1 2QL

**Case Reference: FTS/HPC/EV/19/2793**

**Ms Gael Jamieson, 12 Ballochmyle Drive, Crookston, Glasgow G53 7GN, per RentLocally, 42-46 Cadzow Street, Hamilton ML3 6DS ("the applicant")**

**Miss Vari Telfer, and Mr James Stephens, 39 North Hamilton Street, aforesaid. ("the respondents")**

**DECISION**

**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.**

## **BACKGROUND**

1. On 16 September 2019, an application was received from the applicant. The application was made under Rule 109 of the Procedural Rules being an application for an eviction order under a Private Residential Tenancy Agreement dated 2 March 2019.

2. Rule 8 of the Procedural Rules 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."*

## **REASONS FOR DECISION**

3. On 2 October 2019 the applicants were requested by email and letter to lodge the email attaching the Notice to Leave to the Respondent before 16 October 2019.

4. In response an auto-reply was received advising that the addressee was on annual leave until 3 October 2019 and that emails were being monitored on a regular basis.
5. In the absence of a satisfactory response to the request for further information as detailed, the application is 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.

David M Preston  
Legal Member

31 October 2019

