



**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

Property: Flat 0/2, 218 Allison Street, Govanhill, Glasgow G42 8RS

Case Reference: FTS/HPC/CV/19/3484

**Mrs Ropbina Hussain, 32 Beaconvillas, Sufi City, Mandi Bahaudinn, Pakistan,
per her agent Clarity Simplicity Ltd, c/o 34 Woodlands Road, Glasgow G3 6UR
("the applicant")**

**Ms Alina Munteau, Flat 0/2, 218 Allison Street, Govanhill, Glasgow G42 8RS ("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. An application dated 29 October 2019 was received by the Tribunal on 30 October 2019. The application was submitted by Miss Eniola Oshodi of Clarity Simplicity Limited on behalf of the applicant who is designed in the application as “Mrs Robina Hussain” and sought an order for arrears of rent under a Private Residential Tenancy Agreement dated 16 March 2018.
2. The application was referred to a legal member under Rule 8 of the Procedure Rules for the purpose of determining whether the application complies with the terms of that Rule.
3. 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

4. The legal member had regard to:
 - a. The Private residential Agreement submitted with the application in which the landlord is designed as "Mrs Robina Hussain"; and
 - b. A search of the Land Register for Scotland obtained by the tribunal against the property in which the registered proprietor is designed as Robina Rasul, 54 Kilchattan Drive, Kings Park, Glasgow G44 4PY.

5. On 12 November 2019, the Tribunal asked the applicant's agent for confirmation that the client is or has formerly been known as Robina Rasul. The Tribunal also asked for clarification of the situation with the rent arrears as the schedule submitted appeared to have a starting balance. The applicant's agent was advised that the information requested should be provided by 26 November 2019, failing which the application may be rejected.

6. The applicant has failed to respond to the Tribunal's request for further information, which information the Tribunal requires. I note that the applicant's address in the application is in Pakistan and there may have been a delay in obtaining such information. However the ongoing delay in providing the information requested is considered to be unreasonable and I consider that the applicant's failure to respond to the Tribunal's request gives me good reason to believe that it would not be appropriate to accept 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.

David M Preston

David M Preston
Legal Member
18 December 2018
