



**DECISION AND STATEMENT OF REASONS OF JOSEPHINE BONNAR,
LEGAL MEMBER OF THE FIRST-TIER TRIBUNAL WITH DELEGATED
POWERS OF THE CHAMBER PRESIDENT**

**Under Rule 5 of the First-tier Tribunal for Scotland Housing and Property
Chamber Rules of Procedure 2017 ("the Rules")**

in connection with

5A Carbrook Street, Paisley, PA1 2NW ("the property")

Case Reference: FTS/HPC/CV/19/3935

IP Freedom Ltd, 420K Commercial Road, London ("the Applicant")

Allan Clark, Gemma Andrews, Address Unknown ("the Respondents")

1. By application received on 11 December 2019 the Applicant seeks a payment order in terms of Rule 111 of the Rules. A copy tenancy agreement and rent statement were lodged in support of the application. In the application form the addresses provided for the Respondents are stated to be "next of kin as current address unknown".
2. On 10 February 2020 the Tribunal issued a letter to the Applicants advising that they had to provide a current address for the Respondents or, if they did not have an address, that they should complete an application for service by advertisement. They were advised that a response was required by 24 February 2020 or the application may be rejected. No response was received. On 10 March 2020 the Tribunal issued a further letter to the Applicant directing the Applicant to provide a response to the previous letter by 24 March 2020, or the application may be rejected. No response has been received.

DECISION

3. The Legal Member considered the application in terms of Rule 5 of the Chamber Procedural Rules. That Rule provides:-

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(4) Where the address of a party is not known to the person making an application under these Rules, the applicant must state this in the application and complete a request for service by advertisement in accordance with paragraph 5.

(5) Any request for service by advertisement must provide details of any steps taken to ascertain the address of the party and be accompanied by a copy of any notice required under these rules which the applicant attempted to serve on the other party and evidence of attempted service.

(6) The First-tier Tribunal may direct any further steps which should be taken before the request for service by advertisement will be granted. “

4. After consideration of the application, the supporting documentation and correspondence from the Applicant, the Legal Member considers that the application should be rejected on the basis that the Applicant has failed to comply with Rule 5(4).

Reasons for Decision

5. The Applicant has not provided an address for the Respondents or submitted an application for service by advertisement. On 10 February and 10 March 2020 the Tribunal directed the Applicants to provide an address, or complete a service by advertisement application form. The Applicant has failed to make an application for service by advertisement or provide a current address. They have also failed to respond to request for further information from the Tribunal. The Legal Member determines that the application cannot be accepted. The application is rejected on that basis.

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.

Josephine Bonnar
Legal Member
22 July 2020