

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

5/8 Hailesland Grove, Edinburgh, EH2 4T

Case Reference: FTS/HPC/CV/18/1406

Mr David Bishop ("the Applicant")

Miss Jay Davie, Ms Lee Anne Rowley ("the Respondent")

The Application was lodged under Rule 70 of the Chamber Procedural Rules on 6th June 2018, being an application for payment of rent arrears and for property damage.

A Case Management Discussion was held on 3rd September 2018. It was adjourned to a further Case management Discussion and Directions were issued.

On 7th October 2018 the Applicants contacted the Tribunal to say that the Respondent had made a payment arrangement and they wished to postpone the Application to a later date. The Tribunal continued the case for a period of eight weeks.

The Tribunal wrote to the Applicant on 15th February 2019 asking them to clarify whether they sought to proceed any further with the application.

On 20th February 2019 the Applicants contacted the tribunal to ask if the case could be postponed for another 8 weeks.

The Tribunal issued a Direction stating that if any party wished to progress the application they required to write to the tribunal requesting a Case Management Discussion, and must do so by 25th March 2019.

Neither party has responded to the Direction.

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 I consider that it 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

Neither party has responded to the Tribunal's Direction.

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.

A Kelly

Miss Alison Kelly
Legal Member
20th May 2019