

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

41 Innerwood Road, Kilwinning, KA13 7DX

Case Reference: FTS/HPC/EV/19/0912

Felt Properties Ltd ("the Applicant")

Miss Emma Crowhurst ("the Respondent")

On 21st March 2019 the Applicant lodged an application under Rule 109 seeking eviction of the Respondent from the Property. On 29th March 2019 the tribunal wrote to the Applicant's representative seeking further information. The information was requested by 12th April 2019. The Applicant's representative responded on 10th April 2019, by email. On 25th April 2019 the tribunal wrote again to the Applicant's representative asking for them to provide all of the information previously requested, and asking for a correct section 11 Notice. The information was requested by 5th May 2019. On 25th April 2019 the Applicant's representative sent an email containing one of the pieces of information outstanding. On 7th May 2019 the tribunal wrote again to the Applicant's representative seeking the amended section 11 Notice. This was requested by 21st May 2019. A reminder was sent on 4th June 2019 asking for the information by 18th June 2019. No further correspondence has been received from the Applicant's

representative.

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

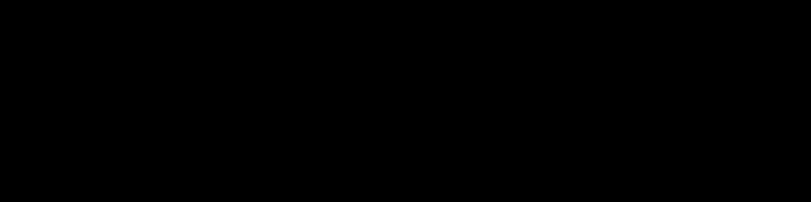
The Applicant's representative has failed to respond to request for further information, and according the application falls to be rejected.

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
1st July 2019