



**DECISION AND STATEMENT OF REASONS OF MS. SUSANNE L. M. TANNER  
Q.C., LEGAL MEMBER OF THE FIRST-TIER TRIBUNAL WITH DELEGATED  
POWERS OF THE CHAMBER PRESIDENT**

**Under Schedule 1, Rule 8 of The First-tier Tribunal for Scotland Housing and  
Property Chamber (Procedure) Regulations 2017, as amended ("the 2017  
Rules")**

**in connection with**

**Ref: FTS/HPC/CV/21/1165**

**11B Baker Street, Stirling, FK8 1BJ ("the Property")**

**Miss Meryem Saffi, c/o 19 Queen Street, Stirling, FK8 1HL ("the Applicant")**

**Mr John Steven Singleton, 125/102 Green Villa, 555 Mingzhu Lu, Xujing Town,  
Qingpu, Shanghai, 201702, China ("the Respondent")**

**DECISION**

**It was determined by the Legal Member acting under the delegated powers  
of the Chamber President, in terms of 8 of the 2017 Rules that there was a  
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,  
therefore the Application must be rejected in terms of Rule 8(1).**

**REASONS**

1. On 13 May 2021, an application was received from the Applicant ("the Application"). The Application was made under Rule 111 of the 2017 Rules, being an application for civil proceedings in relation to a private residential tenancy.
2. An application made in terms of Rule 111 must-
  - (a) *State-*
    - (i) *The name and address of the person;*

- (ii) *The name and address of any other party; and*
    - (iii) *The reason for making the application;*
  - (b) *Be accompanied by –*
    - (i) *Evidence to support the application; and*
    - (j) *A copy of any relevant document; and*
  - (c) *Be signed and dated by the person.*
3. The Applicant submitted an incomplete application and it was not accompanied by all of the required documents.
4. On 26 May 2021, the Application was considered by a Legal Member with the delegated powers of the Chamber President and a letter was sent to the Applicant, as follows:

*“I refer to your recent application which has been referred to the Chamber President for consideration.*

*It appears that you are seeking a payment order because your landlord terminated the tenancy. It also appears that the tenancy was a private residential tenancy because it started after December 2017, although it is described as an assured tenancy.*

*If your application is for compensation for wrongful termination of the tenancy it has to be lodged in terms of Rule 110. You would also require to provide a copy of the eviction order obtained from the Tribunal or a copy of the Notice to Leave, if no eviction order was granted.*

*Further information is available on the Tribunal website about this process and you may wish to take legal advice or contact a housing advisory service.*

*If you wish to proceed in terms of Rule 110 you will require to –*

- 1. Complete the correct form (Form G) and submit it with the correct rule identified*
- 2. Provide a copy of the eviction order or Notice to leave*
- 3. Explain how the tenancy was unlawfully terminated and provide evidence of this.*

*If you do not wish to proceed under Rule 110 you will require to clarify the legal basis for the application under Rule 111. This rule relates to civil applications arising from private residential tenancies. You will require to provide full details of the reasons for the payment order being sought.*

*Please reply to this office with the necessary information by 9 June 2021.*

*If we do not hear from you within this time, the President may decide to reject the application.*

*If you require any further information, please contact us, quoting your reference number”.*

5. The Applicant failed to respond to the request for further information within the stipulated timescale.
6. On 28 June 2021, the Application was considered by a legal member of the tribunal acting under the delegated powers of the Chamber President, and a letter was sent to the Applicant in the following terms:

*“Good Morning,  
We refer to our letter to you dated 26th May 2021, a further copy of which we enclose, and note that we have not received a reply from you.  
Could you please respond to the matters raised in that letter by close of business (5pm BST) 5 June 2021 or the Tribunal may well reject your application.”*

7. The Applicant did not respond to the request for further information within the extended timescale.
8. On 21 July 2021, the Application was considered by a legal member of the tribunal acting under the delegated powers of the Chamber President, and a letter was sent to the Applicant in the following terms:

*“We refer to our letter to you dated 26th May 2021, a further copy of which we enclose and the reminder sent on 28 June 2021 and note that we have not received a reply from you.  
Could you please respond to the matters raised in the 26 May letter by close of business (5pm BST) 28 July 2021 or the Tribunal may reject your application.”*

9. The Applicant did not respond to the request for further information within the extended timescale.
10. On 10 August 2021, the Application was considered by a legal member of the tribunal acting under the delegated powers of the Chamber President, in terms of Rules 5, 8 and 111 of the 2017 Rules.

11. Rule 8 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 –*

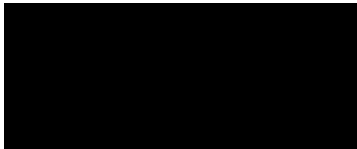
- (a) they consider that the application is frivolous or vexatious;*
  - (b) the dispute to which the application relates has been resolved;*
  - (c) they have good reason to believe that it would not be appropriate to accept the application;*
  - (d) they consider that the application is being made 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."*

12. After consideration of the Application, the attachments, the repeated further information requests and the Applicant's repeated failures to respond, it was determined that the requirements for making an application under Rule 111 have not been met. At the time at which it was made, the Application did not meet the requirements for making an Application in terms of Rule 111. The Applicant has failed to respond to the tribunal's further information requests. The Applicant has not provided the required information within the stipulated timescales. For those reasons, it was determined that there was a 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; therefore the Application must be rejected in terms of Rule 8(1).

**13. What you should do now**

- a. If you accept the Legal Member's decision, there is no need to reply.
- b. 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.



**Ms. Susanne L. M. Tanner Q.C.**

Legal Member

10 August 2021