



**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/21/1366

1 Springfield Gardens, Flat 4/2, Glasgow, G31 4HS ("the Property")

Mr Reetsang Matlhare, 45 Millbrae, Lang side, G42 9UF ("the Applicant")

**Ms Omoribake Ikumoluyi, 1 Springfield Gardens, Flat 4/2, Glasgow, G31 4HS
("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 3 June 2021, an application was received from the Applicant's Representative ("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. Said Application was made in addition to an earlier Application made in terms of Rule 103 of the 2017 Rules.

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 21 June 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:

“Before a decision can be made, we need you to provide us with the following:

“... CV/21/1366

(3) As noted above, please confirm the Respondent’s current address for service of

tribunal documents (if the application is accepted for determination.)

(4) Please provide proof that the deposit was paid to the landlord, if available.

(5) Please confirm the end date of the tenancy.

(6) Please provide any correspondence with the landlord about return of your deposit after the end of the tenancy.

Please reply to this office with the necessary information by 5 July 2021. If we do not hear from you within this time, the President may decide to reject the application.”

The letter also contained a request for further information in connection with related application PR/21/1176.

5. The Applicant failed to respond to the request for further information within the stipulated timescale.
6. On 22 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:

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

Before a decision can be made, we need you to provide us with the following: We refer to our letter to you dated 21st June 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 within 7 days of this letter or the Tribunal may well reject your application.

Please reply to this office with the necessary information by 29 July 2021. If we do not hear from you within this time, the President may decide to reject the application”.

7. The Applicant did not respond to the request for further information within the stipulated timescale.
8. 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.
9. 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."

10. 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).

11. 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