

**Housing and Property Chamber**  
First-tier Tribunal for Scotland



**Decision with Statement of Reasons of Karen Moore, Legal Member of the Firsttier Tribunal with delegated powers of the Chamber President of the First-tier Tribunal for Scotland (Housing and Property Chamber), under Rule 8 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)**

**Chamber Ref: FTS/HPC/CV/23/1172**

**Re: Property at 30, Cornhill Drive, Coatbridge, ML5 1RT (“the Property”)**

**Parties:**

**Maria Muir-Benson residing at 28, Bellsdyke Road, Airdrie, ML6 9OU (“the Applicant”)**

**Karen Johnston residing sometime at the Property and know whereabouts unknown(“the Respondent”)**

**Tribunal Members:**

**Karen Moore (Legal Member)**

**Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be dismissed on the basis that it would not be appropriate to accept the application in terms of Rule 8(1)(c).

**Background**

1. The application was received by the Tribunal under Rule 111 on 14 April 2023.
2. The application was considered by the Tribunal and further information was requested by email of 10 May 2023 as follows: *“You have provided unredacted bank statements which will be copied to the other Party once your application is accepted. If you do not wish these to be copied either withdraw them or provide redacted versions. 2. Please provide a copy of the tenancy agreement. 3. Please provide an address for the Respondent. If you do not have one you can submit an application for service by advertisement. A copy of the application form may be downloaded from the Chamber website and must be accompanied by proof of attempts to trace the Respondent such as a trace report from sheriff officers. 4. Please provide a rent statement in the format dates and amounts of rent due, dates and amounts of rent paid and a running total of arrears. Please provide the information requested within 14 days failing which the application may be rejected.”*
3. The Applicant submitted a rent statement, as requested, on 16 May 2023 but did not provide the further information. Reminders were issued on 13 June 2023 and on 29 July 2023 and no response was received. The Applicant was advised that lack of

response might mean that the Application would be rejected in terms of Rule 8 of the Rules.

#### **Reasons for Decision**

4. The Tribunal 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; (c) they have good reason to believe that it would not be appropriate to accept the application; (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."*
5. The Rules require the Applicant to provide an address for the Respondent or to make an application for Service by Advertisement. In this case, the Applicant has failed to provide the required documentation. The Tribunal cannot grant the application without this information.
6. The Tribunal consider that there is good reason why the application cannot be accepted. Accordingly, the application is rejected.

#### **Right of Appeal**

**In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal 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.**



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Legal Member

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Date

29 August 2023