



Decision with Statement of Reasons of Alan Strain, Legal Member of the First-tier 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 Rules of Procedure 2017 ("the Rules")

Chamber Ref: FTS/HPC/CV/22/4184

Re: Flat 1/2 May Wynd, Hamilton, ML3 0ST ("the Property")

Parties

Mr Rahul Salaria (Applicant)

Mrs Julieanne McInally (Respondent)

Mr Rahul Salaria (Applicant's Representative)

Tribunal Member:

Alan Strain (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 21 November 2022.
2. The application was considered by the Tribunal on 12 December 2022, 20 January 2023 and 20 March 2023. The Applicant was asked to provide further information on 20 January 2023 as follows:

"Before a decision can be made, we need you to provide us with the following: 1. You have provided the applicant's details in the representative section of the application. Please clarify if Country Lets should be stated as the representatives

and if so please amend the application accordingly and provide written authorisation of the representative from the applicant. 2. Please provide the landlord registration details for the applicant. 3. The property appears to be owned by the applicant and Meera Salaria. Please provide written consent from the joint owner confirming that the applicant was authorised by to act as the sole landlord and to raise these proceeding in their sole name. 4. Please amend the application to show the currently outstanding amount and provide an updated rent statement.”

No response was received so the Tribunal gave the Applicant one final opportunity to provide the information by letter of 20 March 2023:

In order for the Tribunal to be able to process your application further please provide the undernoted information /documentation: Please now provide the further information requested previously on 20.1.23 and 12.12.22. Should you not reply to this final request for further information it is likely that the Tribunal will reject the application for lack of insistence. If you wish to withdraw the application because the matter has been settled between you and the Respondent please advise the Tribunal accordingly. Please reply to this office with the necessary information by 3 April 2023. If we do not hear from you within this time, the President may decide to reject the application.”

3. No response was received.

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 application seeks to proceed under Rule 111. The Applicant has failed to provide necessary information as detailed in paragraph 2 above. The Tribunal cannot grant an order under Rule 111 without the information requested.

6. Furthermore, the Tribunal consider that there is good reason why the application should not be accepted as the Applicant has failed to provide the information requested in paragraph 2 above and failed to co-operate with the Tribunal. The application is accordingly 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.

A Strain

28 April 2023

Legal Member/Chair

Date