



**Decision and statement of Reasons of the First Tier Tribunal (Housing and Property Chamber)**

**Under Rule 8 of the First Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ‘the Rules’.**

In respect of application by Mr Richard Coxon in terms of rule 111 of the Rules.

**Case reference FTS/HPC/CV/22/4165**

At Glasgow on the 23 May 2023, Lesley Anne Ward, legal member of the First –Tier Tribunal ‘the Tribunal’ with delegated powers of the Chamber President, rejected the above application in terms of Rule 8(1) (c) of the Rules

1. This is an application by Mr Richard Coxon in terms of rule 111 for civil proceedings arising out of a private residential tenancy agreement for 19 Hill Street Hamilton ML3 9LY, ‘the property’. The application was sent in by email by Jennifer Woods of Countrylet Ltd on 18 November 2022.
2. The inhouse convenor reviewed this application and the tribunal wrote to the applicant on 8 December 2022 seeking further information as follows:

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

- (1) Please confirm if you wish Countrylets to act as your representative. If so, you will need to submit an amended application form with their details included.
- (2) The title deeds are in joint name with a RICHARD ALEXANDER PAYNE, but the Tenancy Agreement is only in your name, please provide written confirmation from Richard Payne that he consents to the Application proceeding in your name only. Please reply to this office with the necessary information by 22 December 2022. If we do not hear from you within this time, the President may decide to reject the application.

3. The applicant responded on 19 December 2022 stating that he was authorising Countrylet Ltd to act on his behalf. He also stated that Mr Payne consents to the application and that he has submitted this to the tribunal.
4. The in-house convener reviewed the application again and a further letter was sent to the applicant on 6 January 2023 as follows:

The tribunal acknowledges receipt of your email of 19 December 2022 and notes the information you have provided. The information has been reviewed by a legal member of the tribunal has raised the following comments. We note that you wish Countrylets to act as your representative. Can you please provide an amended application form in which their full details are provided including relevant email addresses and telephone numbers. You indicate that Richard Payne consents to the application proceedings. The tribunal has not yet received any correspondence from Mr Payne confirming the position. Can you please arrange for Mr Payne to contact the tribunal directly or alternatively provide correspondence from him addressed to you in which he consents to the application proceeding in your name Upon receipt of the above information, a final decision can then be taken on whether the application is valid and whether it should be accepted and referred to the tribunal for full determination. Please reply to this request within two weeks of the date of the letter. If you fail to respond to this letter then it is very likely that the decision will be taken to reject this applications on the basis of your failure to provide the necessary information requested by the tribunal. You should be aware that the Tribunal has the power to reject applications on grounds set out in rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. Please reply to this office with the necessary information by 20 January 2023. If we do not hear from you within this time, the President may decide to reject the application.

5. No response was received. A reminder was sent on 13 February 2023. No response was received.
6. The tribunal sent a further request for information directly to Countrylet Ltd on 20 March 2023 as follows:

You submitted this application on behalf of Mr Coxon. The form states that Mr Coxon is also the representative. However, he has since advised the Tribunal that you are representing him in this matter. Please confirm if you are acting on behalf of the Applicant and provide the name of the person dealing with the matter in your organisation, email and postal address. If you are representing the Applicant please provide an updated rent statement, as the statement lodged was in November 2022, an amended application if the sum has changed and written authority from the joint owner for the application to proceed in Mr Coxon's sole name 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.

7. No response was received and a reminder was sent on 24 April 2023. The tribunal has heard nothing further from either Mr Coxon or Countrylet Ltd.
8. Rule 8(1) (c) states that the Chamber President must reject an application if they have good reason to consider it would not be appropriate to accept it. I consider that I have good reason not to accept this application as the essential information required for it to proceed has not been provided, despite a two detailed requests being sent by the tribunal to both the applicant and his purported representative. Several reminders have also been sent and no response has been received. As things stand the applicant's representative has not demonstrated that he is instructed in this matter. Further, in terms of Rule 8(1) (c) of the rules I have good reason to consider that it would not be appropriate to accept this application as it is incomplete and the applicant has failed to cooperate with the tribunal in the execution of its duties.

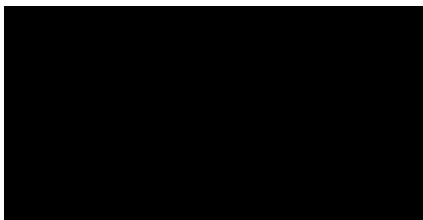
9. It is open for the applicant to resubmit the application with the correct supporting documentation.

**NOTE: What you should do now.**

If you accept this decision there is no need to reply.

If you disagree with this decision you should note the following:

An applicant aggrieved by this 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 seek permission to appeal within 30 days of the date the decision was sent them. Information about the appeal procedure can be forwarded on request.



Legal Member