



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/23/2093

Re: 100 Victoria Road, Aberdeen, AB11 9DU ("the Property")

Parties

Mr David Mushoboorozi (Applicant)

Antti Ong (Respondent)

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 rejected 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 26 June 2023.
2. The application was considered by the Tribunal on 18 July 2023. The Tribunal emailed the Applicant and requested further information as follows:

"1. With reference to the civil application CV/23/2093 You have now provided a copy of tenancy agreement but have not yet provided any address for the landlord. This is required to allow your civil application for rent arrears to proceed. As previously stated if you are not able to provide a home address you may apply for service by advertisement by completing the form you will find on our website but you will also have to provide evidence that you have instructed a tracing agent or sheriff officer to trace the Respondent and that they have been unable to do so. 2. Please also advise if you are happy for your bank statement which is unredacted to be crossed

over to the other party if and when your application is accepted or please provide a redacted version.”

3. No response was received. The Tribunal wrote again by letter of 14 August 2023 seeking a response by 28 August 2023. 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;

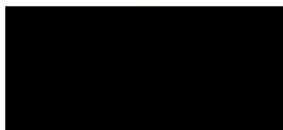
(2) Where the Chamber President, or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, makes a decision under paragraph (1) to reject an application the First-tier Tribunal must notify the applicant and the notification must state the reason for the decision."

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. The Tribunal consider that the failure to provide the required information constitutes good reason why the application should not be accepted. 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.



6 September 2023

Alan Strain
Legal Member/Chair

Date