



**DECISION AND STATEMENT OF REASONS OF SUSANNE L. M. TANNER Q.C.,
LEGAL MEMBER OF THE FIRST-TIER TRIBUNAL WITH DELEGATED POWERS OF
THE CHAMBER PRESIDENT**

**Under Rule 8 of The First-tier Tribunal for Scotland Housing and Property
Chamber (Procedure) Regulations 2017, as amended, Schedule 1 ("the 2017
Rules")**

in connection with

121 Croftwood Avenue, Glasgow, G44 5JF ("the Property")

Case Reference: CV/19/2105

**Mr Stuart McKechnie, care of 2 Calder Street, Glasgow, G42 7RT
("the Applicant")**

**1st Lets (Glasgow) Limited, 2 Calder Street, Glasgow, G42 7RT
("the Applicant's Representative")**

**Mr Craig Marshall and Mrs Leanne Marshall, 121 Croftwood Avenue, Glasgow, G44 5JF
("the Respondents")**

DECISION

The Application dated 4 July 2019 is rejected on the basis that there is good reason to believe that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the 2017 Rules").

REASONS

1. On 4 July 2019, an application was received from 1st Lets (Glasgow) Ltd, naming itself as the Applicant's Representative, purportedly acting on behalf of the Applicant ("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. The following documents were enclosed with the Application:-
 - a. Paper apart with Second Respondent's details;
 - b. Private Residential Tenancy Agreement dated 2 May 2018 (the tribunal notes that no landlord is named on the agreement, as discussed further, below);
 - c. A rent statement for the period from May 2018 to July 2019; and
 - d. A copy email from Craig Marshall to an undisclosed recipient dated 19 June 2019.
2. No letter of authority was produced to show that the 1st Lets (Glasgow) Ltd had been granted authority by the Applicant to act as Representative on his behalf. 1st Lets (Glasgow) Ltd is referred to throughout this decision as "the Applicant's Representative" for ease of reference as it is named as such on the Application but this decision proceeds on the basis that in signed authority to act has been requested twice and not produced, as discussed further below.
3. On 8 July 2019 the tribunal acknowledged receipt of the Application and associated paperwork and stated that the tribunal required further information in the form a signed letter of authority from the Applicant naming the Applicant's Representative as his representative in the case. The Applicant's Representative was requested to provide the same by 15 July 2019 and advised that if it did not do so that the Application may be rejected.
4. On 17 July 2019 the tribunal obtained the Title Sheet for the Property which shows the registered proprietor since 17 January 2006 as Stuart McKenchnie, 191 Greenhead Street, Glasgow.
5. On 31 July 2019, the Application paperwork was considered by a legal member of the tribunal with delegated powers of the Chamber President. On 1 August 2019, the tribunal sent a further letter to the Applicant's Representative referring to its

letter of 8 July 2019 and stating that no reply had been received. The tribunal requested that the representative now provide a letter of authorisation from the Applicant as requested. In addition, the tribunal noted that the Applicant is named as Stuart McKechnie but that the Private Residential Tenancy agreement provided makes no reference to Mr McKechnie as the Landlord and the Applicant's Representative was asked to clarify the position. The Applicant's Representative was requested to provide a response to the two matters by 15 August 2019 and advised that if it did not do so within this time the President may decide to reject the Application.

6. No correspondence was received from the Applicant's Representative up to and including 15 August 2019.
7. On 27 August 2019, the Application paperwork was considered by a legal member of the tribunal with delegated powers of the Chamber President. As at 27 August 2019 no information had been received from the Applicant's Representative to the tribunal's requests to provide information by 15 July and 15 August 2019.
8. The Application was considered in terms of Rule 8 of the 2017 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;*
- (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."

9. The Applicant's Representative has had ample opportunity to provide the required information in response to the tribunal's requests of 8 July and 1 August 2019 and has not done so by 15 August 2019 (or indeed by 27 August 2019 when the matter was re-considered). The title of the Applicant is in issue as there is no landlord named on the Private Residential Tenancy agreement which has been produced with the Application paperwork. No explanation has been provided by or on behalf of the Applicant within the required timescale. In addition, the Applicant's Representative has repeatedly failed to provide authorisation to act on behalf of the Applicant despite the two said requests to do so.

10. After consideration of the Application, and the said failures of the company naming itself on the Application as Applicant's Representative, I considered that the Application should be rejected on the basis that I have 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.

What you should do now

11. If you accept the Legal Member's decision, there is no need to reply.

12. 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.

S Tanner

Susanne L M Tanner Q.C.

Legal Member

27 August 2019