



**DECISION AND STATEMENT OF REASONS OF MELANIE BARBOUR, 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
Rules of Procedure 2017 ("the Procedural Rules")**

in connection with

14 Riverside Gardens, Cronberry, Cumnock, KA18 3LU

Case Reference: FTS/HPC/EV/20/1740 and FTS/HPC/CV/20/1820

Ms Louise Hanscombe (Applicant)

Ms Jane Benn (Respondent)

1. On 18 August 2020, two applications were received from the applicant. The applications were made under Rules 65 and 70 of the Procedural Rules, being an application for recovery of possession of an assured tenancy under the Housing (Scotland) Act 1988 and an application for payment of unpaid rent. The following documents were enclosed with the application:-
 - a. Tenancy Agreement
 - b. Notice to Quit
 - c. AT6 Notice
 - d. Demand letter
2. By letters from the Tribunal dated 8 September and 10 October both 2020 the Tribunal requested further information regarding the following matters; (1) written authority that the agent was instructed to act on behalf of the applicant; (2) evidence of service of the notice to quit; (3) a valid notice to quit or explanation as to why the notice to quit provided is valid; (4) a valid AT6 notice or explanation as to why the AT6 submitted was valid; (5) evidence to support the requirements of Ground 1 recovery of possession; (6) a copy of the tenancy agreement; (7) a copy of the section 11 notice together with evidence of service; and (8) evidence of landlord's right to grant a lease over property, as the property did not appear to be owned by the landlord.
3. The applicant failed to provide the further information requested.

DECISION

4. I considered the application in terms of Rule 8 of the 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;
- (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."

5. After consideration of the application, the attachments and correspondence from the applicant, I consider 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.

REASONS FOR DECISION

6. The Tribunal has requested further information to support these applications from the applicant. The applicant has not provided any of the information requested.
7. I consider that the applicant's failure to provide this information to support the applications, as requested by the Tribunal, gives me good reason to believe that it would not be appropriate to accept either application in circumstances where the applicant is apparently unable to do so in order to progress these applications.
8. Accordingly, for this reason, both applications must be rejected upon the basis that I have good reason to believe that it would not be appropriate to accept either application within the meaning of Rule 8(1)(c) of the Procedural Rules.

What you should do now

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

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.



Melanie Barbour
Legal Member
16 November 2020