



**DECISION AND STATEMENT OF REASONS OF JOSEPHINE BONNAR,  
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 Procedure Rules")**

**in connection with**

**3/2 18 Wellington Way, Greenock ("the Property")**

**Case Reference: FTS/HPC/CV/21/1044**

**Leanne Cannon, 42 Regent Street, Greenock ("the Applicant")**

**Paul Jamieson, 3/2 18 Wellington Way, Greenock ("the Respondent")**

1. On 4 May 2021, the Applicant lodged an application seeking a payment order in relation to arrears of rent. A related application for an eviction order was also submitted, but later withdrawn. The Tribunal issued requests for further information on 17 June 2021, 21 July 2021 and 23 August 2021, directing the Applicant to explain the discrepancy between the application and the rent statement lodged, as it appeared that the Applicant was seeking a higher sum than was currently due. The Tribunal also asked the Applicant to provide a full copy of the tenancy agreement as the Applicant had only provided an unsigned copy of the first page. No response was received. The Applicant was notified that should she fail to provide a response, the application may be rejected.

## DECISION

2. The Legal Member considered the application in terms of Rules 5 and 8 of the Chamber Procedural Rules. Rule 5(3) provides:-

(3) If it is determined that an application has not been lodged in the prescribed manner, the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, may request further documents and the application is to be held to be made on the date that the First-tier Tribunal receives the last of any outstanding documents necessary to meet the requirement manner for lodgment.

3. **After consideration of the application the Legal Member considers that the application should be rejected in terms of Rule 8(1)(c ) which states that an application must be rejected if the Tribunal has “ good reason to believe that it would not be appropriate to accept the application.”**

### Reasons for Decision

4. The Applicant submitted an application for a payment order in terms of Rule 111 of the Rules. The Applicant has failed to provide the Tribunal with the evidence required in terms of Rule 111 to support the application and a copy of the tenancy agreement, a “relevant document” required in terms of Rule 111(b)(ii). Three letters have been issued, directing the Applicant to provide the information and documentation in terms of Rule 5. She has failed to respond or provide the information or the tenancy agreement.
5. The Legal Member is therefore satisfied that there is good reason to believe that it would not be appropriate to accept the application. The application is rejected on that basis.

### 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.

**Josephine Bonnar**

Josephine Bonnar, Legal Member  
21 September 2021