



**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 Oluwatimilehin Odumosu in terms of rule 111 of the Rules.

**Case reference FTS/HPC/CV/23/2071**

At Glasgow on the 2 October 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 Oluwatimilehin Odumosu in terms of rule 111 of the Rules. The Application was made on 23 June 2023. There was a second Application in terms of rule 103 which was rejected as time barred.
2. The inhouse convenor reviewed the Application and the Tribunal wrote to the Applicant on 27 June 2023 seeking further information as follows:

I refer to your recent application which has been referred to the Chamber President for consideration. Before a decision can be made, we need you to provide us with the following:

- 1) Evidence of payment by you of the deposit to the respondent.
- 2) The Tribunal requires an address for the Respondent. If he cannot be traced, you need to provide evidence of efforts you have made to trace his address and seek service by advertisement.

Please reply to this office with the necessary information by 12 July 2023. If we do not hear from you within this time, the President may decide to reject the application.

3. The Applicant did not provide an address and he did not make an application for service by advertisement. The Tribunal sent a further letter on 12 July 2023 as follows:

Thank you for your response in respect of both applications. As you have not been able to provide an address for the Respondent and you have confirmed the tenancy ended on 30th March your application under Rule 103 cannot be accepted as it is now outwith the 3 month strict time limit for valid applications to be made and so we have issued a Rejection decision in the conjoined application. With regard to this civil application for return of the deposit, this is not time barred but we still require an address for the landlord before we can accept your application. As previously advised if you do not know the landlord address you can apply for service by advertisement using the form you will find on our website but you will have to provide evidence that you have tried to trace the landlord and have failed by showing evidence of this from a sheriff officer or tracing agent. Please now let us have your service by advertisement application with accompanying information confirming a lack of trace or please advise of an address for the landlord. Please respond within 21 days so that your application can be further considered. Please reply to this office with the necessary information by 26 July 2023. If we do not hear from you within this time, the President may decide to reject the application

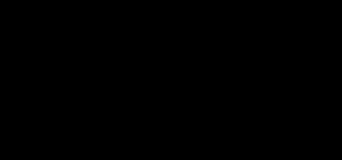
4. The Applicant did not respond and a further letter was sent on 24 August 2023 as follows:  
Before a decision can be made, we need you to provide us with the following:  
(1) The tribunal notes that you still do not have a current residential address for the respondent landlord. If you cannot provide a current residential address for the respondent it will not be possible for the tribunal to serve papers on the respondent in respect of any hearing relating to this application. In those circumstances you normally require to instruct sheriff officers to attempt to trace the respondent and, if you are able to trace him to provide us with the upto-date address. If sheriff officers cannot trace the respondent then they will provide you with a report confirming same and you can then apply to the tribunal to have notice of the applications served on the respondent by means of advertisement on the tribunal website. Can you please confirm that you have instructed sheriff officers to try to trace the respondent and let us have their report as soon as it becomes available.  
(2) The Tribunal notes that you appear to be receiving advice on these matters from Shelter and we would strongly advise you to discuss the terms of this letter with them. Please reply to this office with the necessary information by 7 September 2023. If we do not hear from you within this time, the President may decide to reject the application.
5. The Applicant has not responded.
6. The Tribunal can reject an application in terms of Rule 8(c) if they have good reason to believe that it would not be appropriate to accept it. As things stand basic information to enable the application to proceed (such as an address for the Respondent) has not been provided. The Applicant has had several weeks to provide the requested information and has failed to do so. I therefore 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. It is open to the Applicant to resubmit the Application with the correct supporting information.

**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.



Lesley Anne Ward

Legal Member