



**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/23/1571**

**Re: 84 Riverside Way, Leven, Fife, KY8 4FH3 ("the Property")**

**Parties**

**Miss Barbara Weir (Applicant)**

**Mr Michael McGhie (Respondent)**

**Fife Properties (Applicant's Representative)**

**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 16 May 2023.
2. The application was considered by the Tribunal on 12 June 2023. The Tribunal emailed the Applicant and requested further information as follows:

*"Before a decision can be made, we need you to provide us with the following: 1. In order to accept an application for Service by Advertisement, we require a negative report from a Sheriff Officer or tracing agency. Please provide such a report, or an address for the Respondent resulting from a positive report. 2. You would also be*

*advised to lodge photographic evidence, if available, to show the condition of the property at the start and end of the tenancy, if available. 3. You should ensure that you have lodged sufficient vouching for each sum claimed.”*

3. No response was received. The Tribunal wrote again by letter of 29 July 2023 seeking a response by 12 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**

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**Legal Member/Chair**

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**Date**