

**Housing and Property Chamber**  
First-tier Tribunal for Scotland



**Decision with Statement of Reasons of Joan Devine, 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/19/0870**

**Re: 7/1 Robertson Avenue, Gorgie, Edinburgh EH11 1QA ("House")**

**Parties:**

**Mr Ellis Johnson, Ms Jo Mellish ("Applicant")**

**Miss Sylwia Zielinska ("Respondent")**

**Tribunal Member:**

**Joan Devine (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("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) of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 ("the Rules").**

**Background**

The Application was received by the Tribunal under Rule 111 on 18 March 2019. The Applicant sought payment of arrears of rent in respect of a tenancy agreement entered into between the Applicant and the Respondent. The Application did not state an address for the Respondent. On 19 March 2019 the Tribunal asked the Applicant to provide a current address for the Respondent or consider service by advertisement. On 5 April 2019 the Tribunal asked the Applicant to submit a request to allow service by advertisement. On 17 April 2019 the Tribunal asked the Applicant to complete the relevant application form to allow service by advertisement. On 14 May 2019 the Tribunal sent an email to the Applicant asking if they wished to pursue the Application. No reply was received.

On 3 June 2019 the Application was considered by the Tribunal. The Tribunal noted that there was no response had been received to the inquiry of 14 May 2019.

### Reasons for Decision

The Tribunal considered the application in terms of Rule 8 of the Rules which states :

*"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-*

*(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."*

In light of the lack of a response from the Applicant, the Tribunal determined that the Application should be 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.**

J.Devine

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Legal Member

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Date

3 June 2019