



**DECISION AND STATEMENT OF REASONS OF PETRA HENNIG MCFATRIDGE 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

Case reference FTS/HPC/CV/22/1460

Parties

Easilet Investments (Applicant)

Miss Alexis Donohoe, Kevin McCann (Respondent)

1-2-Let (Lettings and Sales) Ltd (Applicant's Representative)

3/2 50 Roslea Drive, Glasgow, G31 2QS (House)

1. The application for a payment order for £750 under rule 70 of the Procedural Rules was received by the First –tier Tribunal for Scotland, Housing and Property Chamber (the FTT) on 17 May 2022.

2. The only documents lodged with the application was a rent statement.
3. On 31 May 2022 the FTT wrote to the applicant requesting the following information by 7 June 2022: “1. Please clarify the correct legal name of the Applicant, which appears on the Title Deed as Easilet Investments Ltd. If this is correct, please amend the relevant page of the application form accordingly. 2. Please provide a copy of the tenancy agreement. 3. Please provide written authorisation from the Applicant authorising you to make this application on their behalf.
4. No response was received.
5. On 12 July 2022 the FTT again wrote to the Applicant’s representative requesting the same information.
6. On 2 August 2022 the Applicant’s agent replied: “Good afternoon The applicant name is Vincent Friel Respondent is Alexis Donohoe kind regards Lorraine Accounts 1-2-LET Please see attached lease and authorisation from the landlord Vincent Friel.” No documents were attached to that email.
7. On 1 September 2022 the FTT wrote again in the following terms: “ 1. Please provide a copy of the tenancy agreement and written authorisation from the landlord. This was not attached to your email. 2. You state that the landlord is Vincent Friel. The registered landlord is Easilet Investments and the registered owner is Easilet Investments Limited. Please confirm on what basis Mr Friel is entitled to let the Property and pursue this application.” The date by which a reply was required was stated as 15 September 2022.
8. As of 20 October 2022 no reply has been received.

DECISION

1. 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."

2. After consideration of the application, the attachments and correspondence from the Applicant, I consider that the application should be rejected in terms of Rule 8 (c) of the Rules of Procedure on the basis as the Tribunal has good reason to believe that it would not be appropriate to accept the application.

REASONS FOR DECISION

1. In terms of rule 70 the application provide the name and address of the person making the application and must be accompanied by evidence to support the application and a copy of any relevant document. Clear details of the Applicant, a copy of the tenancy agreement, authorization of the agent by the Applicant and clarification of why the Applicant in the matter would be entitled to make the application had been requested repeatedly by the FTT.
2. The FTT had given the Applicant the opportunity to lodge the relevant documents on 3 occasions.
3. The name given for the Applicant in the email of 2 August 2022, Vincent Friel, is in no way evidenced to be connected to the property or any lease thereof, the landlord registration or title information. Nothing was lodged to suggest why that person would be entitled to make the application. No information was provided to clarify whether the correct Applicant would be either that person or Easylet Investment or Easylet Investments Ltd. In the absence of any documentation to show who the actual Applicant is, the lodging requirement of rule 70 (a) (i), the name and address of the person has not been provided. The lodging requirement of rule 70 (b) (i) of evidence in support of the application has not been provided and the lodging requirement of rule 70 (b) (ii) of het relevant document, in this case at least the tenancy agreement, has not been provided either.
4. Given that the application does not fulfil the lodging criteria for an application of that nature in terms of Rule 70 of the Procedure Rules, it would not be appropriate for the

Tribunal to accept the application.

5. The application it is therefore rejected.

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.

Petra Hennig McFatridge

Legal Member

20 October 2022