

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

---



**DECISION AND STATEMENT OF REASONS OF STEVEN QUITHER, 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

15 WILTON STREET, GLASGOW G20 6LF ("the Property")

**Case Reference: FTS/HPC/PR/19/2444**

**ANTHONY NARLOCH, FLAT 0/1, 54 GIBSON STREET, GLASGOW G12 8LY ("the Applicant")**

**MYRA McLEOD-NOLAN, 15 WILTON STREET, GLASGOW G20 6LF ("the Respondent")**

**DECISION**

After consideration of the application, the attachments and correspondence from the applicant, I consider that the application should be rejected on the basis that I have good reason to believe that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Procedural Rules.

**BACKGROUND**

1. On 5 August 2019, an application was received from the Applicant in respect of a stated failure by the Respondent to pay a deposit timeously into one of the prescribed deposit

schemes. The following document appears to have been sent with the application:-

- A printout headed "View deposit", which appeared to refer to a tenancy of the Property by the Applicant, dating from 13 July 2018, for a period of 6 months at a monthly rental of £320 and with a deposit in that same amount paid on 12 July 2018. The "Deposit Payment History" section of that same document indicated, on one interpretation, payment of that deposit to the Respondent by cheque on 25 July 2019. No further documentation, most notably the tenancy agreement itself, appears to have been sent.

2. By letters of 19 August and 24 September, both 2019, sent to the Applicant at the e-mail address provided by him in his application and, indeed, used by him to submit his application, this Tribunal requested further information and clarification in respect of various matters, including the deposit, the printout above referred to and the tenancy agreement itself, as well as a copy of said tenancy agreement. Said letters requested a response by, respectively, no later than 9 September and 8 October, both 2019. No response appears to have been received.

3. Rule 8 of the Procedural Rules 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."*

Furthermore, Rule 103 of said Rules specifically requires there to be lodged with an application (such as this) under that Rule either the tenancy agreement or as much other information as the tenant can give, as well as evidence of the date of the end of the tenancy, none of which appears to have been provided by the Applicant, despite him having been asked to provide same, among other information.

4. Accordingly, I consider it is not appropriate to accept the application, which I now reject, on the basis that essential information necessary for the application to proceed have not been provided and no satisfactory explanation has been provided in relation to same.

#### **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.

Steven Quither

SR QUITHER  
Legal Member

GLASGOW  
23 OCTOBER 2019