

Housing and Property Chamber
First-tier Tribunal for Scotland



**DECISION AND STATEMENT OF REASONS OF SHIRLEY EVANS, 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
2/2 West Grange Gardens, Edinburgh, EH9 2RA
Case Reference: FTS/HPC/PR/18/3442

HELENE BRETON ("the applicant")

THE PROPERTY LETTING CENTRE ("the respondent")

1. On 17 December 2018 an application was received from the applicant. The application was made under Rule 47 of the Procedural Rules being an application to contract out of the repairing standard. A copy of the Private Residential Tenancy Agreement between the Applicant and 2 other joint tenants and the Colin MacLean Will Trust dated 9, 10 and 12 March 2018 was enclosed with the application. The applicant also included a copy letter dated 29 November 2018 addressed to the Property Letting Centre. By letter dated 11 January 2019 the Tribunal requested further information from the applicant. Despite requesting the information by 25 January 2019 the applicant did not respond. The Tribunal sent a further letter by Recorded Delivery post on 13 February 2019 requesting the information by 6 March 2019. The applicant has failed to respond to this request.

DECISION

2. I considered the application in terms of Rule 8 of the Procedural Rules. That Rule provides:-

"Rejection of application"

misconceived, and has no prospect of success. I consider that the applicant's failure to respond to the Tribunal's request gives me good reason to believe that it would not be appropriate to accept the application in circumstances where the applicant is apparently unwilling or unable to respond to the Tribunal's enquiries in order to progress this application.

6. Accordingly, for this reason, this application must be rejected upon 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.

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.

S Evans

 Shirley Evans, Legal Member

14 March 2019