



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 26 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Chamber Ref: FTS/HPC/RE/22/4339

Re: 73 Kerr Crescent, Hamilton ("the Property")

Parties:

Lisa Watt, ("the Applicant")

Guardian Letting and Sales ("the Applicant's Representative")

Sharon Watson, Hamilton ("the Respondent")

Tribunal Member: Martin J. McAllister (Legal Member)

The Tribunal rejects the application by the applicant dated 30th November 2022 which is an application under Section 28 A(1) of the Housing (Scotland) Act 2006 ("the 2006 Act") and Rule 55 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Background

1. The Applicant's Representative was asked on 19th December 2022 to provide further information to enable the application to be considered. The request for information was in terms of Rule 5 (3) of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Rules").
2. The information requested was evidence of delivery on the Respondent of notification of the Applicant's need to have access to the Property. A copy of a letter addressed to the Respondent seeking access to the Property on 6th December 2022 was submitted to the Tribunal. The Applicant's Representative

was also asked for information on why it considered the application to be valid given that it was dated prior to 6th December 2022.

3. The Applicant's Representative was advised that such information required to be provided by 16th January 2023. No response has been received from the Applicant's Representative.

Reasons

4. The Legal Member considered the application in terms of Rule 5 and Rule 55 of the Chamber Procedural Rules. Rule 5 provides: - (1) An application is held to have been made on the date that it is lodged if, on that date, it is lodged in the manner as set out in rules 43, 47 to 50, 55, 59, 61, 65 to 70, 72, 75 to 91, 93 to 95, 98 to 101, 103 or 105 to 111, as appropriate. (2) The Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, must determine whether an application has been lodged in the required manner by assessing whether all mandatory requirements for lodgment have been met. (3) If it is determined that an application has not been lodged in the prescribed manner, the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, may request further documents and the application is to be held to be made on the date that the First-tier Tribunal receives the last of any outstanding documents necessary to meet the requirement manner for lodgment. "
5. **After consideration of the application the Legal Member considers that the application should be rejected in terms of Rule 8(1) (c) which states that an application must be rejected if the Tribunal has "good reason to believe that it would not be appropriate to accept the application." The basis of the decision is that the Applicant has failed to comply with Rule 5 and Rule 55 and Section 28 A (4) of the 2006 Act.**

M McAllister