

Housing and Property Chamber

First-tier Tribunal for Scotland



Decision by the Convener with Delegated Powers of the Chamber President

Under Rule 8 of the Schedule 1 to the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) (Regulations) 2017 ('the 2017 rules')

Re: Application to First-tier Tribunal made under Section 28A (1) of the Housing (Scotland) Act 2006 and Rule 55 of the 2017 rules

Chamber Reference Number: FTS/HPC/RE/19/2107

Parties:

Mr Thomas Campbell MacLennan as Trustee of the Sequestrated Estate of Shabbir Hussain (Applicant)
Mr Douglas Stenhouse (Tenant)

Re: 20 Blantyre Terrace, Edinburgh EH10 5AE (the house)

Decision

After careful consideration of the applicant's application in terms of rule 8 of the 2017 rules, **I have decided that the application should be rejected.**

Reasons for the decision and grounds for rejection

I have considered the application in terms of Rule 8 of the 2017 rules. Rule 8 provides as follows:

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.

The tribunal administration wrote to the applicant's representative several times requesting evidence of delivery of notification to the tenant. We received an email from them on 28 August 2019 stating that they had instructed sheriff officers to serve the letter on the tenant, and that an update would be provided when service had been effected. No update was received from them. We wrote again to the applicant's representative by email on 8 October 2019, requesting the information required by 15 October 2019. No response has been received.

I have therefore concluded that the dispute to which your application relates has been resolved, and I have therefore decided to reject your application under Rule 8 (1) (b) of the 2017 rules.

For the reasons stated above, your application is rejected.

S O'Neill

Sarah O'Neill

Convener

Legal member of the First-tier Tribunal for Scotland (Housing and Property Chamber)

