



**DECISION AND STATEMENT OF REASONS OF MARTIN J. MCALLISTER,  
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 Rules")**

**in connection with**

**43 Argyle Street, St Andrews, Fife, KY16 9BX ("the Property")**

**Case Reference: FTS/HPC/LA/22/1755**

**Lily Nawara ("the Applicant")**

**Premier Lets ("the Letting Agent")**

1. The Applicant submitted an application to the Tribunal dated 10<sup>th</sup> June 2022 in terms of Section 48 (1) of the Housing (Scotland) Act 2014 ("the 2014 Act") and Rule 95 of the Rules. The Tribunal required the Applicant to provide certain additional information. Specifically, the Applicant was asked to confirm if her former tenants were to be parties to the application. On 31<sup>ST</sup> October 2022, the Applicant confirmed that she and Caroline Nachman were to be the applicants. On 30<sup>th</sup> November 2022, the Applicant was asked to provide a postal address for Ms Nachman and did not do so. On 15<sup>th</sup> December 2022 the Tribunal issued a further request for this information from the Applicant and intimated that, if not received, the President may consider rejecting the application. No response has been received to either of the requests for information

## DECISION

2. The Legal Member considered the application in terms of Rule 5 and Rule 95 of the 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. “ Rule 95 requires that the name and address of applicants require to be included in the application.
  
3. **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 95 and Section 48 of the 2014 Act.**

## REASONS FOR DECISION

4. The Applicant’s application is in terms of Section 48 of the 2014 Act and Rule 95 of the Rules. Rule 95 requires any applicant’s name and address to be provided.
  
5. The Applicant has failed to provide the information and documents required by

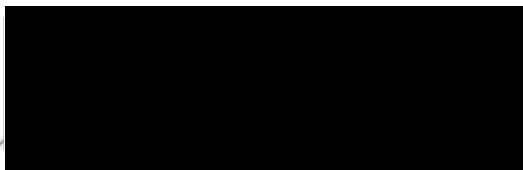
Rule 95 of the Rules and has also failed to provide this information and documentation, having been directed to do so in a request for further information by the Tribunal, in terms of Rule 5(3) of the Rules. The Legal Member therefore determines that the application cannot be accepted. The application is rejected on that basis.

### **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.



Martin J. McAllister, Legal Member  
5<sup>th</sup> January 2023