

Housing and Property Chamber

First-tier Tribunal for Scotland



Decision by the Convener with Delegated Powers of the Chamber President

Under Rule 8 of 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 17 of the Property Factors (Scotland) Act 2011 and Rule 43 of the 2017 rules

Chamber Reference Number: FTS/HPC/LM/19/3327

Re: 25 Leith Street, Carntyne, Glasgow G33 2LU

Parties:

Mr Lawrence Duff (the homeowner)

Wheatley Group / Your Place Property Management (the property factor)

Decision

After careful consideration of the homeowner'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.

Reasons for decision

Letters/emails were sent to the homeowner on 8 November, 3 and 11 December 2019 and 9 January 2020, asking him to provide further information which was required to take forward his application. In the most recent letter of 9 January 2020, which asked for a response by 16 January 2020, the homeowner was advised that if he did not provide this information by that date, his application may be rejected. He has not provided the information requested.

I have therefore decided to reject the application under Rule 8 (c) of the 2017 rules, as I have good reason to believe that it would not be appropriate to accept the application.

For the reasons stated above, the application is rejected.

What you should do now

If you accept the Convener's decision, there is no need to reply.

If you disagree with this decision –

A party aggrieved by the decision of the Chamber President or the Convener 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.

Yours sincerely

Date: _____

Sarah O'Neill

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