

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 22 of the Housing (Scotland) Act 2006

Chamber Reference Number: FTS/HPC/RP/19/0698

Re: Property Address: 52 Glebe Street, East Kilbride, G74 4LX ("the Property")

Parties:

Suzanne Tahraoui, residing at the Property ("the Tenant")

Ann Abercrombie, Keena (Landlord)

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)...

(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...

(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

A letter was sent to you on 6 March 2019 seeking essential further information before your application could proceed. Reminders were sent to you on 29 March 2019 and 16 April 2019 seeking the same information.

Since no response has been received to any of these letters, I consider that the dispute to which the application relates has been resolved or it is not appropriate to accept the application and I have therefore decided to reject your application under Rule 8 (b) and (c) of the 2017 rules.

For the reasons stated above, your 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

M O'Carroll

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