



**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

58 Park Lane, Blantyre, Glasgow, G72 9AS ("the Property")

Case Reference: FTS/HPC/RP/22/4183

Robert and Elizabeth Watt ("the Tenant")

Nicola Muirhead ("the Landlord")

1. The Tenant submitted an application dated 15th November 2022 to the Tribunal in terms of Section 22 (1) of the Housing (Scotland) Act. On 22nd November 2022 the Tribunal issued a request for further information and documents to the Tenant. The Tenant was asked to provide evidence in relation to the contract with the Landlord to prove that there was a legal tenancy. The Tenant was also asked to provide legible copies of documentation which had been submitted. On 12th December 2022 the Tribunal issued an email to the Tenant directing that a response be given to the request for information and the Tenant was advised that, if the required information was not provided by 19th December 2022, the Chamber President may decide to reject the application. No response has been received to either of the communications sent to the Tenant.

DECISION

2. The Legal Member considered the application in terms of Rule 5 and Rule 48 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. “ Rule 48 provides that an application under Section 22 (1) of the Act must be accompanied with the lease or tenancy agreement, or if not available, as much information about the tenancy as the applicant can give.

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 48 of the Chamber Procedure Rules.

REASONS FOR DECISION

4. The Tenant has failed to provide the information and documents required by Rules 5 and 48 of the Rules. The Tenant 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
5th January 2023