



Decision with Statement of Reasons of Karen Moore, Legal Member of the First-tier Tribunal with delegated powers of the Chamber President of the First-tier Tribunal for Scotland (Housing and Property Chamber), under Rule 8 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Chamber Ref: FTS/HPC/EV/23/1821

Yi Li residing at 71, Cowper Road, Cambridge, CB1 3SL (Applicant)

Grzegorz Stefan Stawicki and Krzysztof Aleksander Stawicki residing at 65/2, Granton Crescent, Edinburgh, EH5 1EJ (Respondent)

65/2, Granton Crescent, Edinburgh, EH5 1EJ (House)

Tribunal Member:

Karen Moore (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be dismissed on the basis that it would not be appropriate to accept the application in terms of Rule 8(1)(c).

Background

1. The application was received by the Tribunal under Rule 109 on 5 June 2023.
2. The application was considered by the Tribunal and further information being evidence of compliance with the terms of the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020, was requested by email of 29 June, 8 August and 18 September, all 2023. No responses were received from the Applicant.
3. The Applicant was advised that, if no response was received, the application might be rejected.

Reasons for Decision

4. The Tribunal considered the application in terms of Rule 8 of the Chamber Procedural Rules. That Rule provides:- *"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; (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."

5. The Tribunal cannot grant the application without evidence of compliance with the statutory procedure. The Tribunal consider that there is good reason why the application cannot be accepted. Accordingly, the application is rejected.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal 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.

K. Moore

Legal Member

24 October 2023
Date