



Decision with Statement of Reasons of Alan Strain, 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 Rules of Procedure 2017 ("the Rules")

Chamber Ref: FTS/HPC/CV/24/1459

Re: 10D Bloomfield Road, Aberdeen, AB10 6AB ("the Property")

Parties

Mr Darius Goulden (Applicant)

Mr Christopher Sedgwick (Respondent)

Tribunal Member:

Alan Strain (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the application should be rejected 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 111 on 2 April 2024.
2. The application was considered by the Tribunal and further information was requested by email of 4 April 2024 followed by reminder of 16 April 2024.

The Applicant was requested to provide:

"Please provide a copy of the tenancy agreement or confirm that we can copy this document from the rule 103 application.

Please provide evidence of payment of the tenancy deposit or confirm that we can copy this evidence from the rule 103 application.

Please amend the application form to show the exact amount sought from the Respondent.

Please confirm the address of the property as it differs in the two application forms.

You state that you are also seeking compensation for illegal eviction. If so, you must make a further application under Rule 69, providing the required evidence and documentation as stated in our Procedural Rules. Please reply to this office with the necessary information by 18 April 2024. If we do not hear from you within this time, the President may decide to reject the application. “

The Applicant failed to respond.

Reasons for Decision

3. 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."

4. The application seeks to proceed under Rule 111. The Applicant has failed to provide necessary information as detailed in paragraph 2 above. The Tribunal cannot grant an order under Rule 111 without the information requested. The Applicant has been warned on 4 and 16 April 2024 that if the information was not provided then his application may be rejected.

5. The Tribunal consider that the failure to provide the required information constitutes good reason why the application should not be accepted. The application is accordingly 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.

A Strain

2 May 2024

Legal Member/Chair

Date