



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 18 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules")

Chamber Ref: FTS/HPC/EV/24/1348

Parties

Mr John Harding (Applicant)

Mr John McRae, Mrs Tammy McRae (Respondent)

Victoria Property Ltd (Applicant's Representative)

13 Willow Avenue, Lenzie, G66 4RQ (House)

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 refused.

Background

1. The application was received by the Tribunal under Rule 109 on 21 March 2024.
2. The application was accepted by the Tribunal on 29 October 2024.
3. The Applicant's Representative informed the Tribunal that the Respondent had vacated the House by email of 30 October 2024. The Tribunal wrote to the Applicant's

Representative on 4 and 26 November 2024 by email and asked if they wished to withdraw the application. No response was received. By email of 6 December 2024 the Tribunal informed the Applicant's Representative that if no response was received from them then the application would be rejected.

No response was received.

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 Applicant's Representative has confirmed that the Respondent has vacated the House. The Tribunal could not grant the order sought. The Tribunal consider that it has enough information to determine the matter under Rule 18. The application is accordingly refused.

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

24 December 2024

Legal Member/Chair

Date