

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**DECISION AND STATEMENT OF REASONS OF ALASTAIR HOUSTON, 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 Procedural Rules")

in connection with

Mid Cottage, Warmanbie House, Annan, DG12 5LL

**Case Reference: FTS/HPC/CV/18/2850**

**ASSURE GROUP LIMITED ("the Applicant")**

**MISS ANDREA LYNCH ("the Respondent")**

1. The application was made under Rule 70 of the Chamber Procedural Rules being an application for an order for payment by the Respondent to the Applicant in respect of alleged damage to the Property and unpaid rent.
2. By way of letter dated 7 January 2019, a request was made of the Applicant for more information in connection with his application, namely clarification of the link between the Applicant and the landlord named on the tenancy agreement and a copy of an invoice.. The Applicant was advised that this was required before any decision could be made to accept the application and, if no response was received by 21 January 2019, the application may be rejected.
3. A reminder was issued to the Applicant dated 4 February 2019. The Applicant was advised that, if not response was received by 18 February 2019, the application may be rejected. No response was received from the Applicant to the request for further information.

**DECISION**

4. The circumstances in which an application is to be rejected are governed by 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;*
- (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;*
- (d) they consider that the application is being made for a purpose other than a purpose specified in the application; or*
- (e) the applicant has previously made an identical or substantially similar application and in the opinion of the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, there has been no significant change in any material considerations since the identical or substantially similar application was determined.*

*(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. After consideration of the application, the further information referred to and correspondence from the Applicant's agent, the Legal Member considers that the application should be rejected on the basis that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Procedural Rules.**

**REASONS FOR DECISION**

6. A request was made for further information from the Applicant, namely a copy of the tenancy agreement between the parties. This request was necessary to allow consideration of the application. In the absence of any response by the Applicant, it would not be appropriate to accept the application.

**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.

A Houston

Mr Alastair Houston

Legal Member

8 March 2019

