

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



**DECISION AND STATEMENT OF REASONS OF David M Preston, 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**

**1 Hall Place, Stepps, Glasgow G33 6EE**

**Case Reference: FTS/HPC/CV/19/3542**

**Mr David Johnston, 25 Crusader Avenue, Knightswood, Glasgow G13 2JS, per Coda  
Estates Ltd, 2-4 Heath Avenue, Lenzie, Glasgow G66 4LG ("the applicant")**

**Mr John McClelland, Woodend Steadings Kilsyth G65 0DN ("the respondent")**

1. On 6 November 2019 an application was received from the applicant under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Rules 2017 ("the rules") being an application by private landlord for arrears of rent under an Assured Tenancy under the Housing (Scotland) Act 1988. The following documents were enclosed with the application:-
  - Copy Tenancy Agreement dated 18 July 2016
  - Rent Statement covering the period 1 March 2017 to 29 April 2019
2. By letter dated 18 November 2019 the Tribunal requested further information from the applicant to be supplied by 2 December 2019. On 10 December 2019 the landlord's agent submitted details of the landlord's registration certificate as had been requested but did not provide authorisation from Ms Lorraine Smith the registered co-proprietor of the property to enable him to act on her behalf. On 13

December 2019 a reminder letter was sent to the applicant requesting the outstanding information by 27 December 2019. Further reminders were sent on 6 and 27 January and 14 February 2020. As at today's date, the applicant has failed to respond to this request.

## DECISION

3. I considered the application in terms of Rule 8 of the 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."*

4. After consideration of the application, and the correspondence from the applicant, I consider that the application should be rejected on the basis that I have good reason to believe 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

5. The applicant has failed to respond to the Tribunal's request for further information,

which information the Tribunal requires in order to determine whether or not the application can proceed. I consider that the applicant's failure to respond to the Tribunal's request gives me good reason to believe that it would not be appropriate to accept the application in circumstances where the applicant is apparently unwilling or unable to respond to the Tribunal's enquiries in order to progress this 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.

David M Preston  
Legal Member  
16 January 2020