

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



**DECISION AND STATEMENT OF REASONS OF JAMES BAULD, 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

37 Livingstone Terrace, Irvine,, KA12 9DQ("the Property")

**Case Reference: FTS/HPC/CV/19/3445**

**Miss Louise Mair ("the Applicant")**

**Miss Karen Martin ("the Respondent")**

1. The application was made under Rule 66 of the Procedural Rules being an application for an eviction order in connection with a short assured tenancy. The application was accompanied by supporting documentation
2. By way of letter and email dated 13 November 2019, a request for further information was sent to the Applicant. The applicant was asked to provide a copy of a notice served under section 33 of the Housing (Scotland) Act 1988 and to answer queries relating to the Notice to Quit which had been lodged with the application..
3. No response was received from the Applicant to the request dated 13 November 2019. Further request were sent to the applicant by email on 11 December 2019 and 7 January 2020. These further requests also advised that the application may be rejected should the information not be provided. The applicant has not responded to either of the two further requests.

**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. Three requests were made for further information from the Applicant. This additional information requested was necessary to allow the application to proceed. The applicant was informed that the additional information was essential to allow further progress of the application and was warned that failure to respond may lead to the application being rejected. In the absence of any response by the Applicant, it would not be appropriate to accept the application and accordingly it is rejected .

### **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.

# J Bauld

Mr James Bauld

Legal Member

17 January 2020