

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



**DECISION AND STATEMENT OF REASONS OF MELANIE BARBOUR, 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**

**64 Herbertson Crescent, Irvine, North Ayrshire, KA12 0QN (House)**

**Case reference FTS/HPC/EV/20/2009**

**Mr Trevor Platts (Applicant)**

**MS Debi Landon (Respondent)**

1. On 22 September 2020, an application was received from the applicant. The application was made under Rule 65 of the Procedural Rules, being an application for recovery of possession of an assured tenancy under the Housing (Scotland) Act 1988. The following documents were enclosed with the application:-
  - a. Tenancy Agreement
  - b. Notice to Quit
  - c. Section 11 notice
2. By letter from the Tribunal dated 9 October 2020, the Tribunal requested further information regarding the following matters: 1. Confirmation of the grounds of recovery that the applicant wished to rely on under Schedule 5 of the Housing (Scotland) Act 1988; 2. evidence of that ground; 3. a copy of the AT6 Notice served on the Respondent; or 4. if the applicant intended to seek recovery under Rule 66 (possession of a short assured tenancy), then a copy of the AT5 and section 33 notice; 5. evidence of services of all of the notices served on the respondent and local authority. On 21 October 2020 the applicant submitted section 33 and AT5 notices.
3. By letters dated 29 October and 1 December both 2020 the applicant was requested to provide evidence of service of the notice to quit and section 33 notice; and an amended application to show that the application was made under rule 66. The applicant failed to respond to these further information requests.

**DECISION**

4. 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."

5. After consideration of the application, the attachments and 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**

6. The Tribunal has requested further information to support this application from the applicant. The applicant has not provided the information requested.
7. I consider that the applicant's failure to provide this information to support the application, as requested by the Tribunal, gives me good reason to believe that it would not be appropriate to accept the application in circumstances where the applicant is apparently unable to do so in order to progress this application.
8. Accordingly, for this reason, the application must be rejected upon 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.

### **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.

**Melanie Barbour**

Melanie Barbour  
Legal Member  
11 January 2021