



**DECISION AND STATEMENT OF REASONS OF JOSEPHINE BONNAR,
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 Procedure Rules")**

in connection with

9 Rothesay Place, Coatbridge ("the Property")

Case Reference: FTS/HPC/CV/22/1286

Melissa McKeown, 1b Laird Street, Coatbridge ("the Applicant")

Jamie Love, 9 Rothesay Place, Coatbridge ("the Respondent")

1. The Applicant seeks a payment order in relation to unpaid rent. A related application for an eviction order was also submitted.
2. The Tribunal issued a request for further information on 23 May 2022. The Applicant was asked to provide further information in relation to the eviction application and to explain the basis upon which the Applicant was entitled to let out the property and pursue the applications as the property is owned by a third party. As no response was received, a further letter was issued on 28 June 2022, directing the Applicant to provide a response or the applications may be rejected. The Applicant advised the Tribunal that they wished to withdraw the eviction application but may wish to continue with the application for a payment order. No further correspondence was received. The Applicants were given a final opportunity to provide the requested information by letter dated 1 August 2022, or the application may be rejected. No response has been received.

Decision

3. After consideration of the application the Legal Member considers that the application should be rejected in terms of Rule 8(1)(c) which states that an application must be rejected if the Tribunal has “ good reason to believe that it would not be appropriate to accept the application.”

Reasons for Decision

4. The Applicant submitted an application for an order for payment in terms of Rule 111 of the Rules. The Tribunal directed the Applicant to provide additional information. In particular, the Applicant was asked to explain her entitlement to let out the property and pursue an application for payment in relation to unpaid rent, as she does not own the property. The Applicant has failed to reply to three letters from the Tribunal requiring her to provide this information.
5. As the Applicant does not appear to have title and interest to make the application, and as the Applicant has failed to respond to three requests for further information issued in terms of Rule 5(3) of the Procedure Rules, the Legal Member is satisfied that there is good reason to believe that it would not be appropriate to accept the application. The application is rejected on that basis.

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.

Josephine Bonnar, Legal Member
14 September 2022