



**Decision with Statement of Reasons of Alan Strain, Legal Member of the First-tier Tribunal with delegated powers of the Chamber President of the First-tier Tribunal for Scotland (Housing and Property Chamber)**

**Under Rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules")**

**Chamber Ref: FTS/HPC/CV/23/0587**

**Re: 0/1 15 Wilson Street, Renfrew, PA4 8NP (Property)**

**Parties**

**Miss Shunonda Datta (Applicant)**

**Mr Iain Henderson (Respondent)**

**1-2-let Ltd (Applicant's Representative)**

**Tribunal Member:**

**Alan Strain (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the application should be dismissed on the basis that it would not be appropriate to accept the application in terms of Rule 8(1)(c).**

**Background**

1. The application was received by the Tribunal under Rule 111 on 24 February 2023.
2. The application was considered by the Tribunal and further information was requested by letters of 21 March 2023 and 25 April 2023 as follows:

"Before a decision can be made, we need you to provide us with the following: • You state the tenant left the property with arrears in place. Please provide the current

address of the Respondent. A care of address cannot be accepted. Should you be unable to do so you can apply for Service by Advertisement, the relevant form can be found on the Tribunal's website. If you do submit an application for Service by Advertisement please submit this together with a negative trace report from either a tracing agent or Sheriff Officers. It is the responsibility of the Applicant to provide all necessary information for a valid application. • You have made an application for a wages arrestment. This is not an order the First-tier Tribunal can grant. As currently made the application is not competent. Please amend the application to an order within the Tribunal's jurisdiction and state clearly in part 6 of the application what order you are applying for and a specific amount. • Please provide authorisation of the agent by the Applicant. Please reply to this office with the necessary information by 4 April 2023. If we do not hear from you within this time, the President may decide to reject the application."

And

"Before a decision can be made, we need you to provide us with the following: We refer to the Tribunal's e-mailed letter to you dated 21st March 2023, a further copy of which we enclose, and note that we have not received a reply from you. Could you please respond to the matters raised in that letter within 7 days of this letter or the Tribunal may well reject your application. Please reply to this office with the necessary information by 2 May 2023. If we do not hear from you within this time, the President may decide to reject the application."

No response was received to any of the requests for information.

### **Reasons for Decision**

3. The Tribunal considered the application in terms of 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;-*  
*(c) they have good reason to believe that it would not be appropriate to accept the application;*

*(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. Rule 111 of the Tribunal Procedure Rules provides:

#### **Application for civil proceedings in relation to a private residential tenancy**

111. Where a person makes any other application to the First-tier Tribunal by virtue of section 71(1) (First-tier Tribunal's jurisdiction) of the 2016 Act, the application must—

(a)state—

(i)the name and address of the person;

(ii)the name and address of any other party; and

(iii)the reason for making the application;

(b)be accompanied by—

(i)evidence to support the application; and

(ii)a copy of any relevant document; and

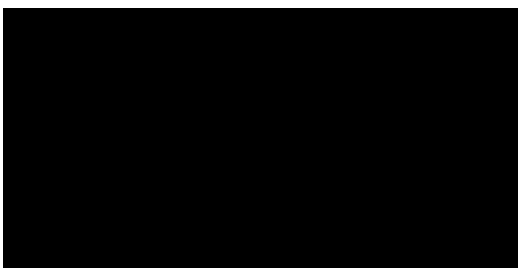
(c)be signed and dated by the person.

The Applicant has failed to provide necessary information, specifically the address of the Applicant and evidence in support of it. The Tribunal could not grant the order sought.

5. The Tribunal consider that there is good reason why the application should not be accepted. The application is accordingly rejected.

### **Right of Appeal**

**In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal 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.**



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**Legal Member/Chair**

**23 May 2023**

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**Date**