

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



**DECISION AND STATEMENT OF REASONS BY THE 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

2/2, 3 Cherrybank Road, Merrylee, Langside

**Case Reference: FTS/HPC/PR/19/2880**

**The Parties:-**

**Miss Alana Kettles, 3 Earl Haig Avenue, Leven, Fife, KY8 4EE (The Applicant)**

**Mr Stuart McDougall, 21 Kingsford Avenue, Muirend, Glasgow, G44 3EU (The Respondent)**

1. By application dated 13th September 2019 the Applicants applied to the Tribunal under Rule 103 of the Procedural Rules. The application stated at part 7(c) that the Applicant wished an order for "£500 deposit back" and "not pay uplift fees or redecoration".
2. By letter dated 4 October 2019 the Tribunal wrote to the Applicant seeking further information in the following terms:-
  - (i) Confirmation as to whether the Applicant had signed a lease in the terms of an agreement submitted with the application and requesting she provide a copy if available;
  - (ii) Confirmation as to whether the Applicant sought an order under Rule 70 for the return of her deposit, or an application under Rule 103 on

the basis of the Respondent's failure to lodge the deposit with a scheme;

- (iii) If the application was to proceed under Rule 103, confirmation that the deposit had not been lodged with an approved tenancy deposit scheme; and
- (iv) Confirmation as to whether the Applicant wished bank statements provided to be sent on to the Respondent or whether these should be redacted.

The Applicant was asked to provide a response by 18<sup>th</sup> October 2019, failing which her application may be rejected. The Applicant did not respond.

3. The Tribunal received no further correspondence from the Applicant.

## **DECISION**

4. The Legal Member determined to reject the application on the basis that she had good reason to believe that would not be appropriate to accept the application under Rule 8(1)(c) of the Procedural Rules.

## **REASONS FOR DECISION**

5. The Legal Member considered the application together with the attachments and the subsequent correspondence to the Applicant.
6. In this case the Applicant had been asked to provide further information on a number of issues regarding her application, which in the view of the Legal Member were fundamental to the Tribunal's consideration and determination of the matter. In the absence of a response from the Applicants the Legal Member therefore determined that the application could not be properly assessed and considered and therefore it would not be appropriate to accept the application. The application was therefore rejected under Rule 8(1)(c) of the Procedure Regulations.

## **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.**

Ruth O'Hare  
Legal Member  
31<sup>st</sup> October 2019

