



**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

**Case reference      FTS/HPC/RE/22/2509**

**Parties**

**Alexander Palmer (Applicant)**

**Iain Gilfinnan (Respondent)**

**43 Burnbank Road, Hamilton ML3 9AQ (House)**

1. The application was made under Rule 55 of the Procedural Rules being an application for assistance to exercise the landlord's right of entry in connection with a private residential tenancy. The application was accompanied by supporting documentation
2. By way of letter and email dated 26 July 2022, a request for further information was sent to the Applicant.
3. No substantive response was received from the Applicant to the request dated 29 July 2022. Three further requests for the further information was sent to the applicant by way of email dated 24 August 2022, 9 September 2022 and 10 October 2022. Each of these requests also advised that the application may be rejected should the information not be provided.

**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 the lack of correspondence from the Applicant or 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. Four 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

# J Bauld

Mr James Bauld  
Legal Member  
4 November 2022