

Housing and Property Chamber

First-tier Tribunal for Scotland



DECISION AND STATEMENT OF REASONS OF THE CHAMBER PRESIDENT

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

in connection with

12/11 Murieston Road, Edinburgh EH11 2JH ("the property")

Case Reference: FTS/HPC/RP/19/0320

Mr Craig Grassie ("the applicant")

Mr Matthew Hastings ("the respondent")

Aberdein Considine ("the respondent's representative")

1. On 31 January 2019 paperwork was received by the Tribunal from the applicant seeking a determination as to whether the property met the repairing standard. The application was made in terms of Rule 48 of the First tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017, as amended. The application lacked a copy of the tenancy agreement, rent book or any information about the tenancy. Rule 48(1) (b) states

"the application must be accompanied by—

- (i) the lease or tenancy agreement, or if these are not available as much information about the tenancy as the applicant can give;"*

2. Communications were sent to the applicant requesting a copy of the tenancy agreement or information about the tenancy on 1 February 2019; 19 February 2019; and 8 March 2019. The applicant was advised that if the information was not provided the application may be rejected.

3. No response has been received by the Tribunal.

4. On 2 April 2019 the application and accompanying papers were considered by the Chamber President of the First-tier Tribunal for Scotland Housing and Property Chamber ("the Tribunal").

Decision

After assessment of the application and the attachments and in light of the lack of response of the applicant to several requests for the required information, the Chamber President decided that the application should be rejected on the basis that Rule 8(1) (c) of the Chamber Rules applies as there is "good reason to believe that it would not be appropriate to accept the application" in that it does not meet the prescribed requirements for a Rule 48 application.

Reasons for Decision

When the application was submitted to the Tribunal it lacked some of the required attachments, namely the attachment required in terms of Rule 48 (1) (b).

Since the prescribed attachments for making an application have not been lodged with the Tribunal, it is not appropriate to accept the application and the application is rejected.

What you should do now

If you accept the Chamber President's decision, there is no need to reply.

If you disagree with this decision –

An applicant aggrieved by the decision of the Chamber President 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.

Mrs A Devanny

Mrs. Aileen Devanny
Chamber President
2 April 2019