



Decision and statement of Reasons of the First Tier Tribunal (Housing and Property Chamber)

Under Rule 8 of the First Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ‘the Rules’.

In respect of application by Easilet Investments in terms of rule 109 of the Rules.

Case reference FTS/HPC/EV/22/1603

At Glasgow on the 13 September 2022, Lesley Anne Ward, legal member of the First –Tier Tribunal ‘the Tribunal’ with delegated powers of the Chamber President, rejected the above application in terms of Rule 8(1) (a) and (c) of the Rules

1. This is an application by Easilet Investments for eviction in terms of rule 109. The application was made on their behalf by 1-2-LET letting and sales LTD. It was incomplete.
2. The inhouse convenor reviewed the application and the tribunal wrote to the applicant’s representative on 10 June 2022 seeking further information as follows:
 - *You state in the application form that the application is made under ground 8, however, that would not appear to be correct. Please provide an amended page of the form stating the correct ground, which would appear to be ground 12.*
 - *Please provide a signed and dated copy of the Notice to Leave as served upon the Respondent.*
 - *Please provide evidence of service of the section 11 notice upon the local authority.*
 - *Please provide written authorisation from the Applicant authorising you to act on their behalf in this application.*
 - *Please confirm whether the Applicant has complied with the Rent Arrears Pre Action Requirements (Coronavirus) (Scotland) Regulations 2020 and provide evidence of this, if possible. Please note that compliance will be taken into account when the Tribunal assesses whether it is reasonable to grant the order.*

3. No response was received. The tribunal sent a reminder on 2 August 2022 giving a further 14 days for a reply. No response has been received.
4. Rule 8(1)(a) of the Rules allows an application to be rejected by the Chamber President if ***“they consider that a application is vexatious or frivolous”***.
5. *“Frivolous”* in the context of legal proceedings is defined by Lord Justice Bingham in R-v- North West Suffolk (Mildenhall) Magistrates Court (1998) Env.L.R.9. At page 16 he states: - *“What the expression means in this context is, in my view, that the court considers the application to be futile , misconceived, hopeless or academic”*.
6. I consider that this application is frivolous or vexatious and has no reasonable prospect of success as the essential information required for it to proceed has not been provided, despite a detailed request being sent by the tribunal and a reminder.
7. Further, in terms of Rule 8(c) of the rules I have good reason to consider that it would not be appropriate to accept this application as it is incomplete and the applicant’s representative has failed to provide a signed mandate authorising them to act. They have also failed to cooperate with the tribunal in the execution of its duties.
8. It is open to the applicant or the representatives to resubmit the application with the correct supporting documentation.

NOTE: What you should do now.

If you accept this decision there is no need to reply.

If you disagree with this decision you should note the following:

An applicant aggrieved by this 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 seek permission to appeal within 30 days of the date the decision was sent them. Information about the appeal procedure can be forwarded on request.

Lesley Anne Ward

Legal Member