



**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 Mr Steven Strachan of Capital Letters on behalf of Ms Louise Diane Young in terms of rule 109 of the Rules.

**Case reference FTS/HPC/EV/22/2114**

At Glasgow on the 14 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 Mr Steven Strachan of Capital Letters on behalf of Ms Louise Diane Young in terms of rule 109 of the Rules.
2. The application is dated 28 June 2022 and was received by the tribunal on 1 July 2022.
3. The application was incomplete. The application was reviewed by the in-house convenor and a request for further information was sent on 5 August 2022 as follows:
  - Please provide a copy of the Notice to Leave served on the tenant together with proof of service.
  - Please provide evidence that the ground/grounds apply in this case such as a statement from the relevant family member.
  - Please provide written authorisation of the agent by the applicant.

Please reply to this office with the necessary information by 19 August 2022. If we do not hear from you within this time, the President may decide to reject the application. If you require any further information, please contact us, quoting your reference number.

4. No further information has been received.

5. This application is incomplete as there is no notice to leave. The applicant's representative have failed to deal with the reasonable request by the tribunal for further information and have failed to lodge a mandate confirming that he is authorised to deal with this matter of the applicant's behalf.
  
6. Rule 8(1)(a) of the Rules allows an application to be **rejected** by the Chamber President if "**they consider that an application is vexatious or frivolous**". "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".
  
7. I consider that this application is hopeless and in its present form has no reasonable prospect of success for the reasons given above. The essential information has not been provide despite a request made on 5 August 2022. 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 at best it is incomplete as there is no notice to leave and no evidence that the eviction ground is met.
  
8. It is open to the applicant 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.

# L A Ward

Lesley Anne Ward

Legal Member