



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 Rita Munanie Mueti in terms of rule 103 of the Rules.

Case reference FTS/HPC/PR/26/1554

At Glasgow on the 13 April 2026, 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 Rita Munanie Mueti, ostensibly, for a penalty regarding a tenancy deposit in terms of rule 103 of the Rules.
2. The application was dated 6 April 2026 and was entered in the case management system of the Tribunal Chamber on 10 April 2026.
3. I have reviewed the application today as in-house convenor and I have decided to reject it under rule 8 (1) (a) and (c).

Reasons

4. Rule 103 of the Rules provides:

Where a tenant or former tenant makes an application under regulation 9 (First-tier Tribunal orders) of the 2011 Regulations, the application must—

- (a)state—
 - (i)the name and address of the tenant or former tenant;
 - (ii)the name, address and profession of any representative of the tenant or former tenant; and
 - (iii)the name, address and registration number (if any) of the landlord;

- (b) be accompanied by a copy of the tenancy agreement (if available) or, if this is not available, as much information about the tenancy as the tenant or former tenant can give;
- (c) evidence of the date of the end of the tenancy (if available); and
- (d) be signed and dated by the tenant or former tenant or a representative of the tenant or former tenant.

5. This application does not relate to a tenancy deposit. The information provided relates to the landlord's failure to have an HMO Licence and the issuing of a rent suspension order by Edinburgh City Council. The applicant appears to be seeking to recover rent paid for the duration of the tenancy. Rule 111 may therefore be applicable. Rule 103 is not.
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"***.
7. "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".
8. I consider that this application is frivolous or vexatious and has no reasonable prospect of success. The information provided suggests that the application does not relate to a tenancy deposit.
9. Further, in terms of rule 8(1)(c) it would not be appropriate to accept the application as this would not lead to a resolution of the issue.
10. The application therefore has to be rejected. It is open to the applicant to make a new application under the correct rule and with supporting information.

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