



**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 Saudor Dogei in terms of Rule 111 of the Rules.

**Case reference FTS/HPC/CV/21/3010**

At Glasgow on the 31 March 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 Saudor Dogei to recover rent arrears arising out of a private residential tenancy (‘PRT’) in terms of rule 111 of the tribunal rules. The application was made on 3 December 2021.
2. The application was incomplete as the respondent’s details were not included. The tribunal wrote to the applicant on 7 December 2021 directing him to the procedure for service by advertisement.
3. The applicant made an application for service by advertisement and the tribunal sent a request on 22 December 2021 as follows:
4. *1. Please provide proof of landlord registration; 2. You have applied for service by advertisement. You must provide evidence of steps taken to trace the Respondent such as a trace report from sheriff officers. 3. The Rent Statement provide shows sums greater than that applied for as due. Please provide a rent statement showing how the sum claimed has been calculated. Please reply to this office with the necessary information by 5 January 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.*
5. The applicant replied with further information and the tribunal made a further request on 24 January 2022 as follows:

*In relation to the service by advertisement application, the legal member is not prepared to grant it at this time. Please provide evidence of a trace report by the sheriff officers or tracing agents; what you have submitted is an employment trace report. It is an address showing where the respondent lives that is required. 2. Please provide a copy of the decision and payment order granted in relation to the earlier rent arrears. 3. Please provide an updated rent statement - showing only the arrears that you seek repayment for.*

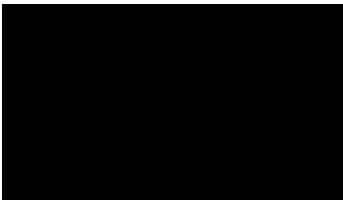
6. The applicant has not responded to this email and a reminder sent on 1 March 2022 has not generated a response.
7. Rule 8(1)(a) of the Rules allows an application to be rejected by the Chamber President if **“they consider that an application is vexatious or frivolous”**.
8. “Frivolous” in the context 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”.
9. 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 reminders sent by the tribunal. 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.

**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