



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 Tristan Ghigo in terms of Rule 111 of the Rules.

Case reference FTS/HPC/CV/22/0448

At Glasgow on the 21 April 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 Tristan Ghigo in terms of rule 111 of the rules. The application appears to be seeking damages in relation to a private residential tenancy ‘PRT’. The PRT was not enclosed with the application.
2. The tribunal wrote to the applicant on 17 February 2022 seeking a copy of the tenancy agreement. No reply was received. The tribunal wrote again on 18 March 2022. No reply was received.
3. In terms of rule 111 the applicant must lodge documents in support of this application. The tenancy agreement has not been lodged. The minimum requirements of rule 5 have not been complied with and the application is incomplete. The applicant has not responded to two reasonable requests made by the tribunal for further information. The applicant has failed to assist the tribunal in the management of proceedings in terms of rule 3.
4. 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”.

5. I consider that this application is hopeless and has no reasonable prospect of success given that the essential information required has not been provided despite two requests 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 at best 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