



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 Shazia Imran in terms of rule 65 of the Rules.

Case reference FTS/HPC/EV/24/0842

At Glasgow on the 20 May 2024, 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 Shazia Imran for eviction in terms of rule 65 of the Rules. The Application was made on her behalf by 1st Lets (Scotland) Ltd on 21 February 2024.
2. The in-house convenor reviewed the application and the Tribunal wrote to the Applicant’s representative on 14 March 2024 seeking further information as follows:

A legal member of the Tribunal with delegated powers of the Chamber President has considered the application and has determined that the following information requires to be provided before the application can progress:

- (1) We note that the owner of the property has a different name from the Applicant. Please explain why the Applicant has title and interest to present the application.
- (2) Please provide a copy of the form AT6 served on the tenant together with evidence of service. Please respond within 14 days. Upon receipt of the above information, a decision can then be taken on whether the application is valid and whether it should be accepted and referred to the Tribunal for full determination. If you fail to provide the necessary information the Tribunal may reject your application.
3. No response was received.

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”***.
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. The application is incomplete as there is no AT6 or proof of service. It is also not clear that the Applicant has right title and interest to make the application.
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 the Applicant’s representative has failed to cooperate with the Tribunal in the execution of its duties.

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