

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of H Forbes, Legal Member of the First-tier Tribunal with delegated powers of the Chamber President of the First-tier Tribunal for Scotland (Housing and Property Chamber)

Under Rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules")

Chamber Ref: FTS/HPC/PR/25/0982

Re: 25/2 Overton Crescent, Johnstone, PA5 8JB ("the Property")

Parties:

Stacey Shaw ("the Applicant")

Tribunal Member:

H Forbes (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the application should be rejected on the basis that the application is frivolous in terms of Rule 8(1)(a) of the Procedural Rules, and the Tribunal has good reason to believe it would not be appropriate to accept the application in terms of Rule 8(1)(c) of the Procedural Rules.

Background

1. The application was received by the Tribunal under Rule 110 on 6th March 2025 with associated documents. The application was made against the letting agent. The Applicant sought compensation in the sum of £2400 for alleged wrongful termination of tenancy.
2. The Tribunal informed the Applicant that a Rule 110 application must be made against the former landlord, and their details provided. The Tribunal requested evidence showing that the tenancy was unlawfully terminated. Despite repeated requests, no further information was received from the Applicant.

Decision

3. The Tribunal considered the application in terms of Rule 8 of the Chamber Procedural Rules. That Rule provides:-

"Rejection of application

8.-(1) The Chamber President or another member of the First-tier Tribunal under the delegated powers of the Chamber President, must reject an application if-

(a) they consider that the application is frivolous or vexatious;·

(c) they have good reason to believe that it would not be appropriate to accept the application;

(2) Where the Chamber President, or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, makes a decision under paragraph (1) to reject an application the First-tier Tribunal must notify the applicant and the notification must state the reason for the decision."

4. On consideration of the above test, the Tribunal considers that this application is frivolous, misconceived and has no prospect of success. The Tribunal also determined that the application should be rejected in terms of Rule 8(c) on the basis that there is good reason to believe it would not be appropriate to accept the application.

Reasons for Decision

5. In terms of the Procedural Rules, a Rule 110 application must be made against the former landlord and must state the name, address and registration number (if any) of the former landlord. The Applicant has failed to make the application against the landlord.
6. A Rule 110 application must be accompanied by evidence showing that the tenancy was unlawfully terminated. The Applicant has failed to provide evidence showing that the tenancy was unlawfully terminated.
7. The application is frivolous and there is good reason to believe it would not be appropriate to accept the application. The application is rejected.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal 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 first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

H Forbes

Legal Member/Chair

30th June 2025
Date