

**DECISION AND STATEMENT OF REASONS OF NICOLA IRVINE, LEGAL
MEMBER OF THE FIRST-TIER TRIBUNAL WITH DELEGATED POWERS OF
THE CHAMBER PRESIDENT**

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

in connection with

117 Langside Avenue, Uddingston, G71 6LF ("the Property")

Case Reference: FTS/HPC/EV/25/1739

Mrs Almas Sarwar (Applicant)

1. The Applicant's representative submitted an application in terms of Rule 65 of the Rules on 24 April 2025.

DECISION

2. The Legal Member 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;*
- (b) the dispute to which the application relates has been resolved;*
- (c) they have good reason to believe that it would not be appropriate to accept the application;*
- (d) they consider that the application is being made for a purpose other than a purpose specified in the application; or*

(e) the applicant has previously made an identical or substantially similar application and in the opinion of the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, there has been no significant change in any material considerations since the identical or substantially similar application was determined.

(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.

- 3. After consideration of the application and the documents submitted by the Applicant in support of same, the Legal Member considers that the application should be rejected on the basis that it is frivolous within the meaning of Rule 8(1)(a) of the Rules.**

Reasons for Decision

4. 'Frivolous' in the context of legal proceedings is defined by Lord Justice Bingham in *R v North West Suffolk (Mildenhall) Magistrates Court*, (1998) Env LR9. He indicated at page 16 of the judgment; *"What the expression means in this context is, in my view, that the court considers the application to be futile, misconceived, hopeless or academic"*. It is that definition which the Legal Member has considered as the test in this application, and on consideration of this test, the Legal Member considers that this application is frivolous, misconceived and has no prospect of success.

5. On 21 May 2025, the Tribunal issued an email to the Applicant's representative in the following terms:-

A legal member of the Tribunal has reviewed your application. Before a decision can be made on whether the application can be referred to a tribunal for full determination we require you to provide the following:

- 1. A written mandate from the applicant authorising you to represent them for the purpose of the application.*
- 2. A copy of the tenancy agreement.*
- 3. A copy of the notice to leave sent to the tenant and proof of delivery, e.g. covering email or postal receipt and tracking information.*
- 4. A copy of the section 11 notice and proof that this was sent to the local authority, e.g. covering email or postal receipt.*

5. Evidence to support the ground for possession. For ground 1 this may include a letter of engagement from a solicitor or estate agent regarding the sale of the property, or a recent home report.

6. There is a joint owner. Please confirm if they should be added as a joint applicant and provide their contact details. Alternatively please provide written consent from them to the application proceeding in the sole name of the applicant.

Please read the above carefully and ensure you provide all of the information requested. You may wish to seek advice from a solicitor or advice agency if you require guidance with your application.

Please reply to this office with the necessary information by 4 June 2025. If we do not hear from you within this time, the President may decide to reject the application.

No response was received.

6. On 8 July 2025, the Tribunal issued a further email to the Applicant's representative in the following terms:-

We refer to our email of 21 May 2025 and note that we have not received a response.

A legal member of the Tribunal with delegated powers of the Chamber President has considered the application and has allowed a further period of 14 days for you to provide the required information.

Please reply to this office with the necessary information by 22 July 2025. If we do not hear from you within this time, the President may decide to reject the application.

No response was received.

7. The Applicant has been given two opportunities to provide further information and has failed to do so. The Legal Member therefore determines that the application is frivolous, misconceived and has no prospect of success. The application is rejected on that basis.

What you should do now

If you accept the Legal Member's decision, there is no need to reply.

If you disagree with this decision –

An applicant aggrieved by the 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 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. Information about the appeal procedure can be forwarded to you on request.

Nicola Irvine (Legal Member)

12 August 2025