

Housing and Property Chamber
First-tier Tribunal for Scotland



**DECISION AND STATEMENT OF REASONS OF JOAN DEVINE, 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

**Central House, Xenia Students, 50-58 Jamaica Street, Glasgow G1 4QG ("the
Property")**

Case Reference: FTS/HPC/CV/25/1974

Nemish Laddad, 3/1, 2 Broomhill Drive, Glasgow G11 7AA ("the Applicant")

1. The Applicant lodged form F under rule 70, application for civil proceedings, dated 8 May 2025. The Respondent was stated to be Xenia Lettings who were named in the tenancy agreement lodged as being the letting agent. The tenancy agreement provided the name of the landlord.
2. At section 5(b) the Applicant stated that the reason for making the application was "*Failure to maintain repair standard: no hot water and electricity for over 3 months....Negligence leading to medical harm : nobody at reception to collect letters from NHS and no way for postmen to be let into the building; Non-return of rental deposit...*"
3. At section 5(c) the Applicant stated that the order sought was "*Return of full tenancy deposit; Rent abatement of 50-70%...Compensation for missed NHS letters...Reimbursement of costs from alternative accommodation and facilities*"
4. On 12 June 2025 the Tribunal wrote to the Applicant noting that the application was brought against the letting agent and suggested that the application should be brought against the landlord. The Tribunal also asked the Applicant to

specify the claim in more detail by : explaining the method of calculating the rent abatement sought of 50-70%; providing evidence in respect of alleged negligence entitling the Applicant to compensation; specifying the sum claimed by way of compensation; providing evidence regarding payment of a deposit and providing evidence in respect of costs incurred for alternative accommodation.

5. The Applicant did not reply to the email dated 12 June 2025. The Tribunal again sought the information requested by email dated 1 August 2025. No response was received.

DECISION

6. 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.

- 7. After consideration of the Application and documents lodged 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 Procedural Rules.**

Reasons for Decision

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 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.
9. The Applicant failed to state a proper legal basis for the application being brought against the Respondent. The application was completely lacking in specification. In all the circumstances, the Legal Member 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.

Joan Devine

Joan Devine
Legal Member
4 September 2025