



**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

Flat 1, 109 High Street, Dumbarton G82 1LF ("the Property")

**Case Reference: FTS/HPC/PR/25/1887
FTS/HPC/TE/25/1891
FTS/HPC/TE/25/1892
FTS/HPC/TE/25/1894**

**Chantelle MacDougall, Flat 1, 109 High Street, Dumbarton G82 1LF ("the
Applicant")**

1. The Applicant lodged form G under rule 78 dated 20 April 2025 which was allocated reference PR/25/1887; form D under rule 107 dated 29 April 2025 which was allocated reference TE/25/1891; form D under rules 105 and 107 dated 29 April 2025 which was allocated reference TE/25/1892 and form D under rules 105 and 107 dated 29 April 2025. A copy private residential tenancy agreement which commenced on 1 April 2023 ("PRT") was provided. In each application the Respondent details provided were the letting agent in the tenancy agreement and not the landlord named in the tenancy agreement.
2. On 9 June 2025 the Tribunal emailed the Applicant raising a number of queries regarding each application. As regards PR/25/1887 the Tribunal noted that rule 78 relates to applications for compensation in respect of certain protected tenancies and that a PRT was not one of those protected tenancies. As regards TE/25/1891 the Tribunal noted that Applicant complained of the Respondent's failure to provide their "final registration number" which was not prescribed information under the Private Residential Tenancies (Information for Tenants)

(Scotland) Regulations 2016. As regards TE/25/1892 the Tribunal noted that in the application the Applicant stated that they were applying to draw up terms of a tenancy and were seeking a payment order. At part 5 of the application they stated that the landlord had failed to provide a “final registration number”. As regards TE/25/1894 the Tribunal noted that the application was identical to the application TE/25/1891. The Tribunal sought clarification within 14 days. No response was received.

3. A further email was sent to the Applicant on 24 July 2025 seeking the required information and noting that the Respondent in each application was a letting agent and not the landlord in the PRT. On 30 July 2025 the Applicant responded stating that the Respondent should be Caroline Jennings who was named as the landlord on the PRT. No address was provided for Ms Jennings. On 15 August 2025 the Tribunal emailed the Applicant noting that an address was required for the Respondent and a response was required to the further information requested on 9 June 2025. On 29 August 2025 the Applicant emailed the Tribunal stating that she did not have an address for Ms Jennings and that she had provided all the information she had available. On 17 September 2025 the Tribunal emailed the Applicant noting that a response was required to the Tribunal’s email dated 9 June 2025. No response was received.

DECISION

4. 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.

5. 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

6. '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.
7. As regards application PR/25/1887 under rule 78, the Applicant had lodged a PRT in support of her application. Rule 78 relates to applications for compensation under section 21 of the Rent (Scotland) Act 1984. Section 21 relates to protected or statutory tenancies. A PRT is not a protected or statutory tenancy. No Address was provided for the Respondent which is a requirement of rule 78.
8. As regards application TE/25/1891 and TE/25/1894 (which are identical), rule 107 covers applications for a payment order where a landlord has failed to provide certain information as set out in the Private Residential Tenancies (Information for Tenants)(Scotland) Regulations 2016. The Applicant's complaint was that the landlord had failed to provide a "final registration number". The 2016 Regulations do not contain a requirement to provide a "final Registration number". No Address

was provided for the Respondent which is a requirement of rule 107.

9. As regards applications TE/25/1892, rule 105 covers applications to draw up terms of a tenancy where written terms have not been provided. Part 5 of the application form sets out specific information to be provided by the applicant. The Applicant failed to provide the required information. No Address was provided for the Respondent which is a requirement of rule 105.
10. In all the circumstances, the Legal Member determines that each of the the Applications are frivolous, misconceived and have no prospect of success. The Applications are 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
Legal Member
4 November 2025