



**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

1-2, 29 Bentinck Street, Glasgow G3 7TS ("the Property")

**Case Reference: FTS/HPC/EV/25/3525
FTS/HPC/CV/25/3523
FTS/HPC/CV/25/3524**

Asya Unal, 1-2, 29 Bentinck Street, Glasgow G3 7TS ("the Applicant")

1. By Application dated 15 August 2025 the Applicant lodged form F, application for civil proceedings, under rule 109, application for an eviction order. At part 5 of the form F the Applicant stated that the order sought was "*compensation for retaliatory eviction and harassment.*" The application was given reference FTS/HPC/EV/25/3525.
2. By Application dated 14 August 2025 the Applicant lodged form F, application for civil proceedings, under rule 111, application for civil proceedings. At part 5 of the form F the Applicant stated that the order sought was "*50% reduction in rent backdated from the 22nd May 2025 until the completion of said construction works.*" The application was given reference FTS/HPC/CV/25/3523.
3. By Application (undated) lodged on 14 August 2025 the Applicant lodged form G, application by a party about matters relating to tenancies and occupancy agreements under specified legislation, under rule 111, application for civil proceedings. At part 7 of the form G the Applicant stated that the order sought was "*1. verify whether my tenancy deposit of £550 paid on 31/01/2025 has been properly protected in a government approved tenancy deposit scheme.
2. If it has not been protected, order my landlord to pay compensation of three*

times the value of the deposit.” The application was given reference FTS/HPC/CV/25/3524.

4. By email to the Applicant dated 2 September 2025 the Tribunal raised a number of queries regarding the three applications. As regards FTS/HPC/EV/3525 the Tribunal noted that rule 109 applies to applications for an eviction order which was not the basis of the Applicant’s claim. The Tribunal asked for a revised form stating the rule under which it was brought and providing a breakdown of the sum claimed. As regards FTS/HPC/CV/25/3523 the Tribunal noted that a rent reduction was being sought in respect of excessive noise during construction work. The Tribunal asked whether the construction work was carried out on the instruction of the Respondent, for clarification of the legal basis on which the application was made and for clarification of the amount of the order sought. As regards FTS/HPC/CV/25/3524 the Tribunal noted that the application was made under rule 111 but appeared to be an application for payment of compensation following a landlord’s failure to comply with their obligations under the Tenancy Deposit Scheme (Scotland) Regulations 2011. The Tribunal requested an amended application.
5. The Applicant did not provide the further information requested by the email dated 2 September 2025. The Tribunal followed up the request for further information by email dated 13 October 2025. A response was requested within 14 days. 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. As regards FTS/HPC/EV/3525, the application was made under the rule which applies to evictions. The Applicant did not appear to seek an order for eviction. A revised form and clarification of the claim was requested and not provided. As regards FTS/HPC/CV/3523, clarification was sought as to the legal basis of the claim and the sum sought. No clarification was provided. As regards FTS/HPC/CV/3524, an amended application was requested along with clarification of the rule under which the application was brought. Neither was provided. Applications made to the Tribunal require to be clear as to the basis on which they are made and be accompanied by supporting evidence. If they do not, they have no prospect of success.

10. In all the circumstances, the Legal Member determines that 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

Joan Devine
Legal Member
20 November 2025