



**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

138B Union Street, Aberdeen AB11 6BH ("the Property")

Case Reference: FTS/HPC/PR/25/3978

Linda Leung, 173 Finnieston Street, Glasgow G3 8HD ("the Applicant")

1. The Applicant lodged form G under rule 69 (damages for unlawful eviction under the Housing (Scotland) Act 1988) dated 17 September 2025. In the application the Applicant sought return of furniture and other goods, compensation for "all of the items and stress of the situation" and for rent arrears to be "removed".
2. On 29 October 2025 the Tribunal asked the Applicant if they wished to amend the application to rule 111. The Tribunal asked the Applicant to provide a copy of the tenancy agreement, evidence to support the losses, a breakdown of the losses claimed and clarification of the legal basis for the application. On 30 October 2025 the Applicant responded stating they wished to amend to rule 111 and stated that further documentation would be provided. On 17 December 2025 the Tribunal again requested the information requested on 29 October 2025. On 23 December 2025 the Applicant emailed the Tribunal advising that evidence in support of the claim would be provided. On 8 January 2026 the Applicant provided a copy tenancy agreement which commenced on 15 February 2023. On 23 and 24 January 2026 the Applicant sent to the Tribunal a copy advertisement on Rightmove for the Property. On 5 February 2026 the

Tribunal again requested the information sought on 29 October and 17 December 2025. On 17 February 2026 the Applicant emailed the Tribunal stating that the basis of their claim was wrongful termination of the tenancy.

DECISION

3. 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.

- 4. 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

5. '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.

6. The Applicant sought an order under rule 69 which was then amended to rule 111. The Applicant did not specify the amount of the order sought. The Applicant was asked to provide a breakdown of the losses claimed, evidence in support thereof and clarification of the legal basis for the claim. The Applicant's response was to state that the tenancy had been wrongfully terminated. Such applications are made under rule 110. The application before the Tribunal was made under rule 111 – application for civil proceedings in relation to a private residential tenancy. The sum claimed was not specified. No evidence or vouching was provided. The legal basis for the claim was not explained. 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
Legal Member

10 March 2026