



**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**

**12 Dumbarton Road, 1.10 Carters Yard, Stirling FK8 2FB ("the Property")**

**Case Reference: FTS/HPC/PR/26/0767**

**Esteban Chauvet, 12 Dumbarton Road, 1.10 Carters Yard, Stirling FK8 2FB ("the  
Applicant")**

1. The Applicant lodged form G under rule 103 (application for order for payment where landlord has failed to carry out duties in relation to tenancy deposits) dated 16 February 2026. In the application the Applicant named the Respondent as "Carters Yard Operating LLP c/o CRM". The address provided for the Respondent was the address of a management company named in the tenancy agreement lodged with the application. The Applicant noted in the application that the tenancy deposit was not lodged with an approved scheme within 30 days of the start date of the tenancy.
2. On 18 February 2026 the Tribunal asked the Applicant to clarify the name of the Respondent as it did not correspond with the name of the registered landlord for the Property. The Tribunal also requested an address for the Respondent as the address of the managing agent had been provided in the form G. No response was received. The Tribunal followed up the request for further information on 27 February 2026 and also asked for confirmation that the tenancy was ongoing. No response was received. On 19 March 2026 the Tribunal again followed up the request for further information and explained

that if a response was not received the application may be rejected. No response was received.

## **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.

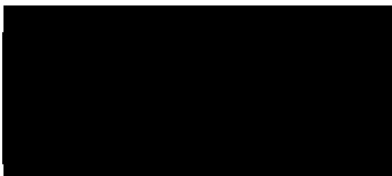
6. The Applicant did not clarify the name of the Respondent. The Applicant did not provide an address for the Respondent as is required by Rule 103. The Applicant sought an order under rule 103. In terms of regulation 9 of the 2011 Regulations such an application must be made within 3 months of the tenancy ending. The Applicant did not clarify whether the tenancy was ongoing to allow the Tribunal to confirm that the application was timeous. The applicant was asked for the required information on three occasions but did not reply. 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

7 April 2026