



**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

97 Hilton Heights Aberdeen AB24 4QF ("the Property")

Case Reference: FTS/HPC/PR/26/1840

**Emanuel Bamgboye, Flat F 223 Rosemount Place, Aberdeen AB25 2XS ("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 23 April 2026. In the application the Applicant sought payment of compensation. The Applicant lodged a copy tenancy agreement and deposit protection certificate which indicated that the deposit paid was lodged with an approved scheme timeously in terms of the Tenancy Deposit Schemes (Scotland) Regulations 2011 ("2011 Regulations"). The Tribunal sought clarification from the Applicant of the basis of his application. He advised that the basis of the the application was that his former landlord had failed to provide the information prescribed by the 2011 Regulations.
2. On 18 May 2026 the Tribunal asked the Applicant to explain why they believed the landlord had failed to provide the relevant information. No response was received. The Tribunal followed up the request for further information on 8 June 2026. 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 sought an order under rule 103 on the basis their former landlord had failed to provide the information prescribed by the 2011 Regulations. The required information is set out in Regulation 42. All of the prescribed information was contained in the tenancy agreement and deposit protection certificate lodged by the Applicant. The Tribunal asked the Applicant to explain why they believed the required information had not been provided. They did not respond. The documentation lodged by the Applicant disclosed no basis for the application. 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

30 June 2026