



**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 2, 3 Gryffe Place, Bridge of Weir PA11 3PD ("the Property")

Case Reference: FTS/HPC/CV/26/2016

Craig Ringrose, Flat 2, 3 Gryffe Place, Bridge of Weir PA11 3PD ("the Applicant")

1. The Applicant lodged form F under rule 111, application for civil proceedings, dated 6 May 2026 in terms of which the Applicant sought a payment order for an unspecified amount. No address was provided for the Respondent. In the application the Applicant stated that the Respondent had unlawfully let the Property as it was not properly registered on the Scottish Landlord Register and asked the Tribunal to make a financial award by way of rent repayment.
2. On 1 June 2026 the Tribunal asked the Applicant to provide an address for the Respondent and asked the Applicant to explain the legal basis upon which a rent repayment was sought. The Tribunal sought clarification as to whether the local authority had served a rent penalty notice under section 94 of the Antisocial Behaviour Etc (Scotland) Act 2004. The Tribunal received no response and followed up the request for further information on 31 July 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 a Payment Order for an unspecified sum. The Applicant did

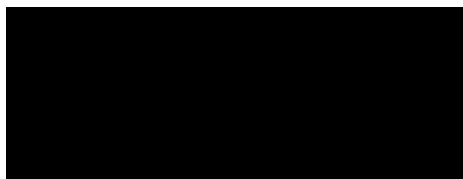
not provide an address for the Respondent which is required before an application can be accepted. The Applicant did not explain the legal basis upon which the application was made. In all the circumstances, the Legal Member determines that the Application is frivolous, misconceived and has no prospect 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

11 September 2026