Housing and Property Chamber
First-tier Tribunal for Scotland

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

("Property")

Case Reference: FTS/HPC/PY/26/4244

Taylor Mcginnes address unknown ("Debtor")

1. The Applicant lodged an application for a time to pay order under rule 41 H of the Rules and section 5 of the Debtors (Scotland) Act 1987 dated 9 September 2026. No address was provided for the Debtor. The address provided for the Creditor was incomplete. The application suggested there was a joint Debtor. The declaration at section 9 was not completed.

2. By email dated 14 September 2026 the Tribunal requested an amended application which included an address for the Debtor and Creditor as well as the name and address of the other Debtor. No response was received. This was followed up by email dated 1 October 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 lodged an application for a time to pay order under rule 41H of the Rules. No address was provided for the Debtor. No contact details were provided for the joint debtor. An incomplete address was provided for the Creditor. The declaration at part 9 was not completed to confirm that a copy of the application had been served on the Creditor as required by rule 41H. In these 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
21 October 2026