



## Decision and statement of Reasons of the First Tier Tribunal (Housing and Property Chamber)

### Under Rule 8 of the First Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 'the Rules'.

In respect of application by Mr Robert Thomson which purported to be in terms of both rule 66 and rule 109 of the Rules.

#### Case reference FTS/HPC/EV/22/1121

At Glasgow on the 19 May 2022, Lesley Anne Ward, legal member of the First –Tier Tribunal 'the Tribunal' with delegated powers of the Chamber President, rejected the above application in terms of Rule 8(1) (a) and (c) of the Rules

1. This is an application by Mr Robert Thomson for eviction proceedings. On the application he had ticked the boxes for eviction on both rule 66 and rule 109. The application was also incomplete as there were no supporting documents.
2. The tribunal wrote to the applicant on 20 April 2022 seeking further information in the form of the tenancy agreement, notice to leave and evidence that the eviction ground was met. The applicant has not responded.
3. Rule 8(1)(a) of the Rules allows an application to be rejected by the Chamber President if "***they consider that an application is vexatious or frivolous***".
4. "Frivolous" in the context of legal proceedings is defined by Lord Justice Bingham in R-v- North West Suffolk (Mildenhall) Magistrates Court (1998) Env.L.R.9. At page 16 he states:- "What the expression means in this context is, in my view, that the court considers the application to be futile , misconceived, hopeless or academic".
5. I consider that this application is frivolous or vexatious and has no reasonable prospect of success as the essential information required for it to proceed has not been provided, despite a request being sent by the

tribunal. Further, in terms of Rule 8(c) of the rules I have good reason to consider that it would not be appropriate to accept this application as it is incomplete and the applicant has failed to cooperate with the tribunal in the execution of its duties.

6. It is open for Mr Thomson to resubmit the application in the correct form with the correct supporting documentation.

**NOTE: What you should do now.**

If you accept this decision there is no need to reply.

If you disagree with this decision you should note the following:

**An applicant aggrieved by this 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 seek permission to appeal within 30 days of the date the decision was sent them. Information about the appeal procedure can be forwarded on request.**

Lesley Anne Ward

Legal Member