



**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 Chi Yeung Wong in terms of rule 111 of the Rules.

**Case reference FTS/HPC/CV/2370**

At Glasgow on the 11 November 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 Chi Yeung Wong in terms of rule 111 for civil proceedings arising out of a private residential tenancy agreement. The application was made on his behalf by Ms Mary Sellar of Corbett and Shields Ltd.
2. The in-house convenor reviewed the application and the tribunal wrote to the applicant’s representative on 12 August 2022 seeking further information as follows:

I refer to your recent application which has been referred to the Chamber President for consideration. Before a decision can be made, we need you to provide us with the following:

- Please provide your mandate from the applicant authorising you to act on his behalf in this matter.
- We note the whereabouts of the respondent are unknown. Please provide an application for service by advertisement which can be downloaded from the tribunal website.
- Please clarify the amount your client is seeking as part 5 of the application refers to damage to the property but you also refer to rent arrears of £1750.

Please reply to this office with the necessary information by 26 August 2022. If we do not hear from you within this time, the President may decide to reject the application.

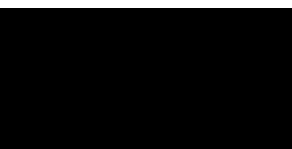
3. The applicant's representative did not respond and a reminder was sent by the tribunal on 3 October 2022.
4. No response was received and no further documentation has been received since.
5. Rule 8(1)(a) of the Rules allows an application to be rejected by the Chamber President if ***"they consider that an application is vexatious or frivolous"***.
6. "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".
7. 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 detailed request being sent by the tribunal and a reminder. 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.
8. It is open for Mr Wong to resubmit the application 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

