



**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 Suresh Bhyandari in terms of rule 111 of the Rules.

**Case reference FTS/HPC/CV/1157**

At Glasgow on the 28 July 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 Suresh Bhandari in terms of rule 111 for civil proceedings arising out of a private residential tenancy agreement. The application was made on his behalf by Miss Erin Mitchell of Stonehouse Lettings.
2. The inhouse convenor reviewed the application and the tribunal wrote to the applicant’s representative on 13 May 2022 seeking further information as follows:
  - *Please provide a mandate from both owners authorising you to act.*
  - *Please clarify if the joint owner is to be a party to the application. If she is, please provide her written authorisation to this effect. If she is content to leave matters in your sole name please provide her letter of authorisation indicating that she is aware of the tenancy and this application and is happy for the application to proceed in your sole name.*
  - *Please provide a rent statement showing how the rent arrears are calculated. This should be a table with three columns showing the date the rent was due, payments made and a running total of arrears.*
  - *Please provide a receipted invoices for the losses claimed for the cleaning, painting, carpets, gardening.*
  - *Please provide evidence of the £40 claimed for dilapidations.*

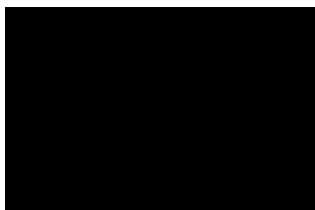
3. The applicant's representative did not respond and a reminder was sent by the tribunal on 17 June 2022.
4. The applicant's representative responded on 7 July 2022 providing a mandate from the owners authorising her to act in the application. She did not reply to any of the other matters that had been outstanding since 13 May 2022. 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 Bhandari 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

