



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 Savu Properties Ltd in terms of Rule 55 of the Rules.

Case reference FTS/HPC/RE/19/2607

Address of Property: 17 Thurston Road, Glasgow, G52 2JH (the “Property”).

At Glasgow on the 29 October 2019, Martin Joseph McAllister, 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) of the Rules.

1. This is an application by Savu Properties Ltd (the “Landlord”) for assistance under Section 28 (c) of the Housing (Scotland) Act 2006 (“The 2006 Act”) in exercising the Landlord’s right of entry to the Property. The application is in terms of Section 28 A of the 2006 Act and was submitted by Countrylet Ltd, representatives of the Landlord.
2. The application was accompanied by the following:-
 1. Recorded Delivery track and trace receipt.
 2. Private Residential Tenancy Agreement dated 5th June 2019.
3. The tribunal wrote to the applicant’s representative on 9 September 2019 requesting a copy of the notification issued to the tenant stating the Landlord’s wish to exercise the Landlord’s right of entry and evidence of delivery for notification.
4. The tribunal indicated in its letter of 9 September 2019 that it required a response by 23 September 2019. Despite reminder emails sent on 26 September, 3 October and 15 October 2019 no response has been forthcoming from the Landlord’s representatives.

5. In terms of Rule 55 of the Rules, certain information requires to be provided by an applicant. The request to the Landlord's representatives to provide missing information has not been responded to.
6. 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**".
7. "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".
8. I consider that this application is frivolous or vexatious and has no reasonable prospect of success for the reasons given above.

M McAllister

Martin J. McAllister

Legal Member