



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 26 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Chamber Ref: FTS/HPC/RP/20/0521

Re: Flat G/2, 4 Gavinburn Street, Old Kilpatrick, G60 5JN ("the Property")

Parties:

Miss Fiona Wright, Ross Gray, formerly Flat G/2, 4 Gavinburn Street, Old Kilpatrick, G60 5JN ("the Applicant")

Mr Russell McAffery, Ms Suzanne McAffery, c/o Source Property, 65 Kilbowie Road, Clydebank, G81 1BL; c/o Source Property, 65 Kilbowie Road, Clydebank, G81 1BL ("the Respondents")

Tribunal Member: Jacqui Taylor (Legal Member)

The Tribunal rejects the application by the Applicant dated 27th January 2020, being an application under section 22(1) of the Housing (Scotland) Act 2006 requesting the Tribunal to determine if the property complies with the Repairing Standard.

The Tribunal sent a letter to Ross Gray dated 9th March 2020 and they also sent a copy of the letter to Fiona Wright by email dated 9th March 2020 requesting further information to enable the Tribunal to proceed with the application and requesting that the necessary information be provided by 30th March 2020. The email also explained that if the Tribunal do not receive the information requested by the President will have no option but to reject the application. No response was received and the required documents were not provided.

On 1st April 2020 Fiona Wright sent an email to the Tribunal asking for an update on the application and advising that they have moved to a new home.

On 14th April 2020 the Tribunal sent an email reminder to Fiona Wright asking for the necessary information to be provided. The email also advised that as the applicants have moved to a new home the application had been referred to the Tribunal President to determine whether or not the application will proceed.

No response was received and the required documents were not provided.

As the information requested in the said letter and email dated 9th March 2020 has been received the Tribunal believe that the dispute has been resolved and rejects the application in terms of rule 8(10(b) of the Tribunal Rules.

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal 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.

J. TAYLOR

.....Legal Member Date: 25th May 2020