



**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 (“the Rules”)**

Chamber Ref: FTS/HPC/RP/23/3725

Re: 9 Carsgreen Avenue, Glenburn, Paisley, PA2 8SB ("the Property")

Parties:

Gary Byars ("the Applicant")

Fireshield Kitchen and Gallery ("the Respondent")

Tribunal Member: Martin J. McAllister (Legal Member)

**The Tribunal rejects the application by the applicant dated 22 October 2023 which is an application under Section 22 (1) of the Housing (Scotland) Act 2006 and Rule 48 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.**

1. The Applicant stated that he has moved out of the Property on 28 September 2020.

2. The Law:

Section 22 (1) of the Housing (Scotland) Act 2006 states that:

“A tenant may apply to the First –tier Tribunal for determination of whether the landlord has failed to comply with the duty imposed by section 14 (1) (b).” The duty imposed by

section 14 is for a landlord to ensure that the house meets the repairing standard at all times during the tenancy.

3. The Applicant is no longer a tenant. The tenancy terminated on 29 September 2020.
4. The Applicant was not a tenant when the application was submitted. The statutory provision is clear. An application requires to be submitted by a tenant not a former tenant.
5. Accordingly the Tribunal has good reason to believe that it would not be appropriate to accept the application and rejects the application in terms of rule 8 (1) (c) of the 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**

Martin J. McAllister, Legal Member

3 November 2023