



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.

21C Station Road, Stevenston, KA20 3NJ (“the Property”)

Case Reference: FTS/HPC/RP/24/1322

**Avery Russell (“the Tenant”)
Tracy Russell (“the Tenant’s Representative”)**

Broomfield Properties Ltd (“the Landlord”)

1. The Tenant submitted an application to the Tribunal on 19 March 2024 in terms of Section 22 (1) of the Housing (Scotland) Act. In a paper apart submitted with the application, the Tenant’s Representative indicated that the Tenant had vacated the Property and that his deposit had been returned in full.
2. The application makes reference to the Tenant receiving compensation.

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.
4. The Applicant was not a tenant when the application was received. The statutory provision is clear. An application requires to be submitted by a tenant not a former tenant.
5. The Housing (Scotland) Act 2006 makes no provision for a tenant or former tenant being paid compensation in respect of a landlord's failure to maintain a property to the repairing standard.
6. 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 Tribunal.

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, 2 April 2024