



**DECISION AND STATEMENT OF REASONS OF JOSEPHINE BONNAR,  
LEGAL MEMBER OF THE FIRST-TIER TRIBUNAL WITH DELEGATED  
POWERS OF THE CHAMBER PRESIDENT**

**Under Rule 8 of the First-tier Tribunal for Scotland Housing and Property  
Chamber Rules of Procedure 2017 ("the Procedure Rules")**

**Case Reference: FTS/HPC/PR/23/3270**

**66 Doochills Road, Chapleton, Aberdeen ("the Property")**

**Stuart McKenna, 66 Doochills Road, Chapleton, Aberdeen ("the Applicant")**

**Places for People Ltd, 1 Hay Avenue, Edinburgh ("the Respondent")**

1. The Applicant lodged an appeal in relation to a decision of the landlord in relation to adapting the property in terms of Rule 59 of the Procedure Rules and Sections 52 and 66A of the Housing (Scotland) Act 2006 ("the 2006 Act").
2. In response to a request for further information, the Applicant provided a copy of his tenancy agreement. However, although the Tribunal has made numerous requests for details and evidence of the landlord's decision to refuse his request or to impose unreasonable conditions to their consent to the proposed adaptations, the Applicant has failed to provide any information regarding the decision or reasons for the decision.

**Decision**

3. After consideration of the application the Legal Member considers that the application should be rejected in terms of Rule 8(1)(c ) which states that an application must be rejected if the Tribunal has " good reason to believe that it would not be appropriate to accept the application."

**Reasons for decision**

4. In terms of Rule 59(a)(v) an Applicant must provide details of the landlord's

decision and the reasons for that decision. Section 66A provides for a right of appeal against a decision by a landlord, “(a) to impose any condition on a consent to carry out work..., or (b) to refuse to consent to the carrying out of any such work”.

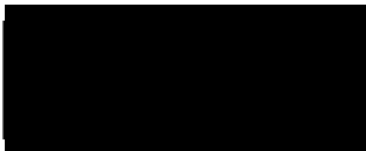
5. The Applicant has failed to provide any details of the landlords decision in relation to his request to adapt the property. In fact, the Applicant has failed to demonstrate that he has made a request to the landlord In terms of Section 52 of the 2006 Act. The Legal Member is therefore satisfied that there is good reason to believe that it would not be appropriate to accept the application. The application is rejected on that basis.

### **What you should do now**

If you accept the Legal Member’s decision, there is no need to reply.

If you disagree with this decision –

An applicant aggrieved by the 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 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. Information about the appeal procedure can be forwarded to you on request.



Josephine Bonnar, Legal Member  
29 April 2024