



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.

17B Townhead Street, Strathaven, ML10 6AB (“the Property”)

Case Reference: FTS/HPC/RP/24/2104

Shaun McDade and Sydney McCorry (“the Applicants” and the “Tenants”)

Helen and John Whitelaw (“the Respondent” and “the Landlord”)

1. The Tenants submitted an application dated 2 May 2024 to the Tribunal in terms of Section 22 (1) of the Housing (Scotland) Act.
2. The Tenants subsequently confirmed that the tenancy had terminated on 19 April 2024.

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 Applicants are no longer tenants.

4. The Applicants were not tenants when the application was received. 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 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

M MCALLISTER

M J. McAllister, Legal Member, 30 May 2024