



**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.**

**107 Marchmont Road, Flat 6, Edinburgh, EH9 1HA (“the Property”)**

**Case Reference: FTS/HPC/RP/24/2847**

**Sasha Guy (“the Tenant”)**

**Richard Walker (“the Landlord”)**

1. The Tenant submitted an application to the Tribunal on 24 June 2024 in terms of Section 22 (1) of the Housing (Scotland) Act. Following enquiry, the Tenant confirmed that they had vacated the Property on 21 March 2024 and that the tenancy terminated on 31 May 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.

2. The Applicant is no longer a tenant and was not a tenant on 24 June 2024, the date of the application.
3. The statutory provision is clear. An application requires to be submitted by a tenant not a former tenant.
4. 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, 8 August 2024