

Housing and Property Chamber

First-tier Tribunal for Scotland



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FORM A

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hpcadmin@scotcourtribunals.gov.uk

Applications by the tenant or third party under the Repairing Standard

Section 22(1) or Section 22(1A) of the Housing (Scotland) Act 2006

This application form should be completed if you wish the Housing and Property Chamber to consider whether a landlord has failed in his duty under section 14(1) to meet the Repairing Standard. Fill in this form in black ink, BLOCK CAPITALS and by ticking any boxes that apply. **Before making your application you must notify the landlord or landlord's agents of all the work required to be done.** Remember that the landlord will be sent a copy of this form.

When we initially receive your application, and before the President decides if it is a valid application, we will send you a reference number which you should quote whenever you contact us.

If any information you give in this form changes, you must immediately give us written details of the change. We aim to treat you politely and with care. In return we expect you to be polite to our staff.

The First-tier Tribunal has the power to award expenses against a party where that party through unreasonable behaviour in the conduct of the case has put any other party to unnecessary or unreasonable expense. Exercise of this power is not linked to the outcome of the case.

There is guidance on our website relating to completing the application form and the procedures of the Chamber. We recommend that you read this guidance before completing this application form. The guidance should assist you in making your application, completing this form and with understanding the procedure relating to your application and the types of complaints the Chamber can deal with. If you require these guides in hard copy, then please contact us.

1. APPLICATION TYPE

Please select either A or B below to confirm the party who is making the application:

(A) I am the tenant/tenant's representative
(application made under Section 22(1))

(Please Continue from part 3)

(B) I am the Third Party (Local Authority)
(application made under Section 22(1A))

(Please Continue from part 2)

2. THIRD PARTY DETAILS (IF APPLICABLE)

a Local authority

b Department name

c Title (Mr, Mrs, Miss, Ms)*

d First name*

e Last name*

f Address and postcode

g Telephone number

h Email address

i Reference

j Have you notified the tenant of your intention to make this application? Yes No

k Does the tenant wish to be treated as a party to the application? Yes No

*Please provide a suitable contact person within the department for correspondence to be directed to.

3. RENTED PROPERTY DETAILS

a Address and postcode

b local authority

4. TENANT DETAILS

a Title (Mr, Mrs, Miss, Ms)

b First name

c Last name

d Contact Address and
postcode (if different from
details in Section 3)

e Daytime telephone number

f Email address

The tenant can use the services of a representative (such as a family member or friend, Shelter, Citizens Advice, law clinic or a solicitor). For TYPE A applications (where the applicant is the tenant/tenant rep), if the tenant names a representative on this form, all our letters and correspondence will normally be sent only to that representative.

g Is a representative helping the
tenant with this application?

YES

(If Yes, complete part 5)

NO

(If No, go to part 6)

5. TENANT REPRESENTATIVE DETAILS

b Company/organisation name*

c Title (Mr, Mrs, Miss, Ms)

d First name

e Last name

f Address and postcode

g Telephone number

h Email address

i Representative's profession

*Optional

6. LANDLORD DETAILS

Please note that the landlord is generally the owner of the property, which may differ from the landlord's representative (such as a letting agent or solicitor).

a Company/organisation name*

b Title (Mr, Mrs, Miss, Ms)

c First name

d Last name

e Address and postcode

f Telephone number

g Email address

h Landlord's registration number
(if known)

*Optional

7. LANDLORD'S REPRESENTATIVE DETAILS

a Company/organisation name

b Title (Mr, Mrs, Miss, Ms)*

c First name*

d Last name*

e Address and postcode

f Telephone number

g Email address

h Representative's profession

*Optional

8. NATURE OF THE WORK WHICH NEEDS TO BE DONE

Please list details of the work needed below. **Please make sure that this list includes only the complaints listed in the notification sent to the landlord or landlord's agents.**

Please continue on a separate sheet if necessary, clearly marked at the top with your name and the property address.

9. COMPLAINT DETAILS

- a Please provide a copy of the lease, tenancy agreement or rent book, if available. If you cannot, please give as much information about the tenancy as you can on a separate sheet of paper clearly headed with your name and the property address.
- b Please attach to the application a copy of the notification to the landlord of the work required, and any subsequent correspondence relating to the notification. **This application will not be valid and will not be progressed until you have notified the landlord of the work required to be done.**
- c Please list details of how you consider the landlord has failed to meet the Repairing Standard:

Please continue on a separate sheet if necessary, clearly marked at the top with your name and the property address.

9. COMPLAINT DETAILS (continued)

d. Please indicate from the following list which element(s) of the Repairing Standard you think the landlord has not complied with:

- a) The house is wind and watertight and in all other respects reasonably fit for human habitation
- b) The structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order.
- c) The installations in the house for the supply of water, gas, electricity (including residual current devices) and any other type of fuel and for sanitation, space heating by a fixed heating system and heating water are in a reasonable state of repair and in proper working order.
- d) Any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order.
- e) Any furnishings provided by the landlord under the tenancy are capable of being used safely for the purpose for which they are designed.
- f) and g) removed
- h) The house meets the tolerable standard. This includes the following
- 1) It has an interlinked system of fire and smoke alarms and adequate carbon monoxide alarms;
 - 2) In the case of a house having a supply of electricity, it complies with the relevant requirements in relation to the electrical installations for the purposes of that supply;
 - 3) It has satisfactory provision for natural and artificial lighting, for ventilation and for heating;
 - 4) It has satisfactory facilities for the cooking of food within the house;
 - 5) It is substantially free from rising or penetrating damp;
 - 6) It has satisfactory thermal insulation;
 - 7) It has an adequate piped supply of wholesome water available within the house;
 - 8) It has a sink provided with a satisfactory supply of both hot and cold water within the house;
 - 9) It has a water closet or waterless closet available for the exclusive use of the occupants of the house and suitably located within the house;
 - 10) It has a fixed bath or shower and a wash-hand basin, each provided with a satisfactory supply of both hot and cold water and suitably located within the house;
 - 11) It has an effective system for the drainage and disposal of foul and surface water;
 - 12) It has satisfactory access to all external doors and outbuildings; and
 - 13) It is structurally stable.
- i) Any common parts pertaining to the house can be safely accessed and used.
- j) The house has satisfactory provision for, and safe access to, a food storage area and a food preparation space.
- k) Where the house is in a tenement, common doors are secure and fitted with satisfactory emergency exit locks

10. REQUIRED DOCUMENTS

Tick each box to indicate that you have attached the relevant document:

Lease or tenancy agreement if available, or as much information about the tenancy as possible

Copy of the notification to the landlord or landlord's agent of the work required (eg email/ recorded delivery receipt/written acknowledgment of receipt from landlord/ landlord's representative), and any subsequent correspondence relating to the notification

11. SIGNATURE

We will store and process the information you provide in line with data protection law. You have the right to ask to see information we have about you and to challenge how we process your personal data. Processing of your information in relation to an application is necessary for the performance of a task carried out in the public interest in terms of Article 6 1(e) of the UK General Data Protection Regulation¹.

In order to process your complaint, the Chamber may need to contact other relevant organisations (for example the Local Authority) and we may need to obtain reports from relevant specialists. Further information on the organisations that may be contacted with details of your application is available on our website. In terms of the legislation² which governs the application process, we will send copies of any application, attachments, correspondence and representations to the other parties and their representatives. **We cannot progress your application without doing this.**

Please note also that legislation³ requires the Chamber to make any tribunal decisions and statements of reasons publicly available. Further information on how the administration processes personal data and on your rights can be found on the SCTS website⁴.

Where a party, a representative or an interested party provides an email address, the First-tier Tribunal will communicate using that address until the party, representative or interested party requests that another method of communication be used.

Your/Your representative's signature

Date

¹ <https://www.legislation.gov.uk/eur/2016/679/article/6>

² <http://www.legislation.gov.uk/ssi/2017/328/schedule/paragraph/9/made>

³ <http://www.legislation.gov.uk/ssi/2017/328/schedule/paragraph/26/made>

⁴ <http://www.scotcourts.gov.uk/about-the-scottish-court-service/contact-us/data-protection>