



**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.**

**Flat 18, 5 Salamander Court, Edinburgh, EH6 7HY (“the Property”)**

**Case Reference: FTS/HPC/RP/24/3944**

**Winifred Devers (“the Tenant”)**

**Home in Scotland Ltd t/a Home Group (“the Landlord”)**

1. The Tenant submitted an application to the Tribunal in terms of Section 22 (1) of the Housing (Scotland) Act. The application was received on 26 August 2024 and was accompanied by a Scottish Secure tenancy agreement entered into between the Tenant and the Landlord on 15 April 2024.

**The Law:**

**Housing (Scotland) Act 2006**

**Section 22: Application in respect of the repairing standard**

*(1) 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).*

*(1A) A person mentioned in subsection (1B) may apply to the First-tier Tribunal for determination of whether a landlord has failed to comply with the duty imposed by section 14(1) (b) (a person who makes such an application being referred to as a “third party applicant”).*

*(1B) The persons are—*

*(a) a local authority,*

*(b) a person specified by order made by the Scottish Ministers.*

*(2) An application under subsection (1) or (1A) must set out the tenant's, or as the case may be, the third party applicant's reasons for considering that the landlord has failed to comply with that duty.*

*(3) No application under this section may be made unless the person making the application has notified the landlord that work requires to be carried out for the purpose of complying with that duty.*

*(4) No application under this section may be made where the landlord is—*

*(a) a local authority landlord (within the meaning of the Housing (Scotland) Act 2001 (asp 10)),*

*(b) a registered social landlord (being a body registered in the register maintained under section 20(1) of the Housing (Scotland) Act 2010 ,*

*(c) . . . . .*

*(d) Scottish Water.*

2. The Landlord is Castle Rock Edinvar which also trades as Places for People Scotland Ltd.
3. Castle Rock Edinvar is registered as a social landlord in terms of the register maintained by the Scottish Housing Regulator in accordance with Section 20 (1) of the Housing (Scotland) Act 2010
4. The statutory provision is clear. Section 22 (4) (b) of the Housing (Scotland) Act 2006 prohibits an application being made by a tenant where a landlord is a registered social landlord.
5. The application is incompetent.
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**

# **M McAllister**

Martin J. McAllister, Legal Member, 16 September 2024