



**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.**

**7 Rosin Court, Kirkcaldy, Fife, KY1 2HH (“the Property”)**

**Case Reference: FTS/HPC/RP/24/3256**

**Christopher Bennison (“the Tenant”)**

**Lesley Thomson (“the Landlord”)**

1. The Tenant submitted an application to the Tribunal on 16 July 2024 in terms of Section 22 (1) of the Housing (Scotland) Act.
2. The Tenant was asked to confirm whether he is still a tenant and also to confirm if repairs to the Property had been carried out.
3. The Tenant responded and advised that he is no longer a tenant and that the repairs had been completed. He said that he had submitted the application because of the length of time the Landlord had taken to complete the repairs.

**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.

4. The Applicant is not a tenant. He has also stated that the repairs have been completed.
5. The statutory provision is clear. An application requires to be submitted by a tenant not a former tenant.
6. The Housing (Scotland) Act 2006 makes no provision for a tenant or former tenant to make a complaint on the basis that a landlord took too long to complete them..
7. 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**

Martin J. McAllister, Legal Member, 16 September 2024