



**DECISION AND STATEMENT OF REASONS OF JOSEPHINE BONNAR,
LEGAL MEMBER OF THE FIRST-TIER TRIBUNAL WITH DELEGATED
POWERS OF THE CHAMBER PRESIDENT**

**Under Rule 8 of the First-tier Tribunal for Scotland Housing and Property
Chamber Rules of Procedure 2017 ("the Rules")**

in connection with

Case Reference: FTS/HPC/RP/24/3461

194 Cambusnethan Street, Wishaw ("the Property")

Thomas Stretton, 194 Cambusnethan Street, ("the Applicant")

**Countrywide Residential Lettings, Lakeview Drive, Sherwood Park, Nottingham
("the Respondent")**

1. The Applicant submitted an application to the Tribunal in terms of Section 22 of the Housing (Scotland) Act 2006 and Rule 48 of the Tribunal Procedure Rules 2017. On 31 July, 26 August and 24 September 2024, the Tribunal issued requests for further information and documents. The Applicant was directed to provide a copy of their tenancy agreement and evidence that the Landlord had been notified about the repairing standard issues at the property. The Applicant was also advised that the application should be amended as it had been made against the letting agent and not the landlord. The Applicant did not respond or provide the information and documents.

DECISION

2. The Legal Member considered the application in terms of Rule 5, Rule 8 and Rule 48 of the Chamber Procedural Rules and Section 22 of the 2006 Act. Rule 5 provides: - (1) An application is held to have been made on the date that it is lodged if, on that date, it is lodged in the manner as set out in rules 43, 47 to 50, 55, 59, 61, 65 to 70, 72, 75 to 91, 93 to 95, 98 to 101, 103 or 105 to 111, as appropriate. (2) The Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, must determine whether an application has been lodged in the required manner by assessing whether all mandatory requirements for lodgment have been met. (3) If it is determined that an application has not been lodged in the prescribed

manner, the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, may request further documents and the application is to be held to be made on the date that the First-tier Tribunal receives the last of any outstanding documents necessary to meet the requirement manner for lodgment. “

- 3. After consideration of the application the Legal Member considers that the application should be rejected in terms of Rule 8(1)(c) which states that an application must be rejected if the Tribunal has “ good reason to believe that it would not be appropriate to accept the application.”**

REASONS FOR DECISION

4. The application is in terms of Section 22 of the 2006 Act and Rule 48 of the Procedure Rules. Section 22(3) states that that “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”. Rule 48 states that the application must provide the name of the landlord and must be accompanied by a copy of the tenancy agreement and a copy of the notification made in terms of section 22(3) of the 2006 Act.
5. The Applicant has failed to provide the information and documents required by Rule 48 of the Rules and Section 22 of the 2006 Act. The Applicant has also failed to provide this information and documentation, having been directed to do so in requests for further information by the Tribunal, in terms of Rule 5(3) of the Rules. The Legal Member therefore determines that the application cannot be accepted. The application is rejected on that basis.

What you should do now

If you accept the Legal Member’s decision, there is no need to reply.

If you disagree with this decision –

An applicant aggrieved by the decision of the Chamber President, or any Legal Member acting under delegated powers, 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. Information about the appeal procedure can be forwarded to you on request.

J Bonnar

30 October 2024