



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.

Case reference FTS/HPC/RP/24/5327

Parties

Miss Rose Pizzuti (Applicant)

Ms Rosalind Johnstone (Respondent)

Flat 5, 50 Coltbridge Avenue, Edinburgh, EH12 6AH (House)

Tribunal Member: Jacqui Taylor (Legal Member)

The Tribunal rejects the application by the Applicant dated 16th November 2024, being an application under section 22(1) of the Housing (Scotland) Act 2006 requesting the Tribunal to determine if the property complies with the Repairing Standard.

1. The Application.

The Applicant made an application to the Tribunal under section 22(1) of the Housing (Scotland) Act 2006 requesting the Tribunal to determine if the property complies with the Repairing Standard. The Application was dated 16th November 2024. At section 9(c) of the application the Applicant states 'On numerous occasions letting agent was told about repairs, only offer to fix were joiners which arrived after I moved out.' The Applicant was not a Tenant of the Property at the date of the application.

2. 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.

3. Decision.

The Tribunal have 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 Rules.

4. Reasons for the Decision:

The Chamber President has no discretion in whether or not to accept an application from a person or persons who are no longer tenants of a relevant property. The Applicant is no longer a tenant and was not a tenant on the date of the application. An application requires to be submitted by a tenant not a former tenant.

5. **Appeal**

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.

J Taylor

.....Legal Member Date: 6th December 2024