



**DECISION AND STATEMENT OF REASONS OF MARTIN J. MCALLISTER,  
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**

**Flat 2/1. 9 Barlogan Avenue, Glasgow, G52 1AQ ("the Property")**

**Case Reference: FTS/HPC/RP/24/3853**

**Andrew Boyce ("the Applicant")**

1. The Applicant submitted an application to the Tribunal in terms of Section 22 (1) of the Housing (Scotland) Act 2006 which was received on 21 August 2024.
2. The application was about the alleged failure of the Respondent to maintain the Property to the repairing standard.
3. The application did not contain the Respondent's address and on 31 October 2024 and 28 November 2024, the Applicant was asked to provide this.
4. On 12 December 2024, the Applicant requested that matters be put on hold because he had an expectation that the Respondent was going to carry out repairs to the Property.
5. On 24 January 2025, the Applicant was advised that the application could not be kept on hold indefinitely and that, if it was to proceed to determination the address of the Respondent would be required.
6. No response was received from the Applicant despite a reminder being sent on 24 February 2025.

## DECISION

7. The Legal Member considered the application in terms of Rule 5 of the Chamber Procedural Rules. 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. “
  
8. **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.” The basis of the decision is that the Applicant has failed to comply with Rules 5 and 48 of the Tribunal Rules.**

## REASONS FOR DECISION

9. In terms of section 22 (1) of the 2006 Act, a tenant may apply to the Tribunal for determination of whether a landlord has failed to comply with the duty to maintain a house to the repairing standard.
10. The application requires to be in accordance with the Tribunal Rules. Rule 48(a)(v) states that an application must state the name of the landlord.
11. The application does not comply with Rule 8 of the Tribunal Rules.

## **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.

# M McAllister

Martin J. McAllister, Legal Member  
27 March 2025