



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/25/0046

Parties

Laurence Corbett (Applicant and Tenant)

Nether Mains Kemnay, Inverurie, AB51 5LP(House)

Tribunal Member: Jacqui Taylor (Legal Member)

The Tribunal rejects the application by the Applicant dated 6th January 2025, being an application under section 22(1) of the Housing (Scotland) Act 2006 requesting the Tribunal to determine if the House 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 Tribunal administration sent an email to the Applicant dated 8th February 2025 which advised the applicant that before the application can be accepted the Tribunal require evidence that the Applicant had notified the landlord of all of the required repairs. The email stated that if a response was not received by 8th March 2025 the President may reject the application.

The Tribunal administration sent a chase up email to the Applicant dated 15th March 2025. That email stated that if a response was not received by 22nd March 2025 the President may reject the application. The required information has not been provided.

2. The Law.

Section 22 (3) of the Housing (Scotland) Act 2006 provides that no application can be made unless the Tenant has notified the Landlord that work requires to be carried out for the purpose of complying with the duty to comply with the repairing standard.

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 to accept an application where no evidence has been provided that the tenant has notified the Landlord of all of the required work detailed in the application.

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: 28th April 2025