



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/24/5678

Parties

Louisa Acton (Applicant and Tenant)

Burnshot Gate, Midlothian, South Queensferry, EH30 9TQ (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 24th January 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 also asked the applicant to explain why the Tenant's address is different from the tenancy address. The email stated that if a response was not received by 7th February 2025 the President may reject the application.

The Applicant sent the Tribunal an email dated 7th February 2025 but all of the required information was not provided.

The Tribunal administration sent further email to the Applicant dated 5th March 2025 in the following terms:

'1. In relation to the Applicant's address you were asked to clarify why her contact address is not the tenancy address. You have indicated that the contact address is her "permanent" address. Please clarify where the Applicant is living at the present time. A tenancy is only a PRT if it is the only or principal home of the tenant. Has the tenancy terminated or has the Applicant moved out on a temporary basis?

2. In relation to the 4th point in the further information request you have simply re-submitted the previous documentation. This has already been considered but the Legal Member is not persuaded that it meets the requirements of the legislation. The Tribunal can only consider the application where appropriate notification has been made. Please provide evidence that the Applicant or her representative has sent a letter or email to the landlord or his representative which states that the property does not meet the repairing standard and lists the repair issues at the property. Evidence is also required that the letter or email was sent such as a copy of the email or a recorded delivery certificate of posting and track and trace report. The template letter is again attached. Please respond within 14 days or your application may be rejected.'

The Tribunal administration sent chase up email to the Applicant dated 20th March 2025 requesting that the applicant provide the Tribunal with required information by 27th March 2025.

The required information has not been provided.

2. The Law.

2.1 Section 22 (1) of the Housing (Scotland) Act 2006 provides that a repairing standard application can be made by a Tenant.

2.2 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 applicant is a tenant of the House and also that the applicant 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