



**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 (“the Tribunal Rules”)**

**7/2, 58 Jamaica Street, Central House, Glasgow, G1 4QG (“the Property”)**

**Case Reference: FTS/HPC/RP/25/1104**

**Eshan Malik (“the Tenant”)**

1. The Tenant applied to the Tribunal in terms of Section 22 (1) of the Housing (Scotland) Act. The application is dated 12 March 2025.
2. The application states the landlord to be Xenia Lettings Ltd but the tenancy agreement submitted with the application discloses that it is the letting agent and that the landlord is Peter Sharpe.
3. Following an enquiry from the Tribunal, the Tenant confirmed that the tenancy came to an end prior to submission of the application.

**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.

4. The Applicant is no longer a tenant and was not a tenant when the application was received by the Tribunal.
5. The Applicant was not a tenant when the application was received. The statutory provision is clear. An application requires to be submitted by a tenant not a former tenant.
6. Accordingly, the Tribunal has 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

**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**

# M McAllister

Martin J. McAllister, Legal Member, 3 June 2025