



**DECISION AND STATEMENT OF REASONS OF JOSEPHINE BONNAR,
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

Case Reference: FTS/HPC/RP/24/5840

2/2 189 Dumbarton Road, Glasgow ("the Property")

Anna Breckenridge, 2/2 189 Dumbarton Road, Glasgow ("the Applicant")

1. The Applicant submitted an application to the Tribunal in terms of Section 22 of the Housing (Scotland) Act 2006 and Rule 48 of the Tribunal Procedure Rules 2017. The Tribunal issued a request for further information and documents in terms of Rule 5(3) of the Procedure Rules, including a copy of the tenancy agreement. The Applicant provided a copy of the tenancy agreement. In the covering email, she stated that most of the repairs have been carried out and that she is now seeking compensation.
2. The Tribunal issued a further request for information. The Applicant was advised that she could not seek compensation in a Rule 48 application and asked to clarify if there were still outstanding repairs and if she wished the application to proceed. The Applicant failed to respond to the request or to a reminder, having been advised that a failure to respond may result in the application being rejected.

DECISION

3. The Legal Member considered the application in terms of Rule 5, Rule 8 and Rule 48 of the Chamber Procedural Rules and Section 22 of the 2006 Act.
4. 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”.

- 5. 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.”**

REASONS FOR DECISION

6. The Applicant has advised the Tribunal that most of the repairs issues specified in the application have been addressed and now seeks compensation for inconvenience. The 2006 Act does not make provision for an order for compensation for a failure to comply with the repairing standard. The application cannot therefore be accepted in relation to this aspect of the case. The Applicant also indicated that most of the repair issues have been resolved and failed to confirm if any are still outstanding or if she wishes the application to proceed. In the circumstances, the Legal Member is satisfied that the application should not be accepted.

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.

Josephine Bonnar, Legal Member
22 May 2025