



**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.**

Chamber Ref: FTS/HPC/RE/25/3241

Re: 1f4 Lorne Place, Leith, Edinburgh, EH6 8QT ("the Property")

Parties:

Castle Rock Edinvar Housing Association ("the Applicant")

Touchstone ("the Applicant's Representative")

Tribunal Member: Martin J. McAllister (Legal Member)

**The Tribunal rejects the application by the applicant dated 29 July 2025 which is an application under Section 28 A(1) of the Housing (Scotland) Act 2006 and Rule 55 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.**

**Background**

1. The Application is for assistance to exercise the Applicant's right of entry under Section 28 A (1) of the Housing (Scotland) Act 2006 ("the 2006 Act").

**Reasons**

2. The Legal Member considered the application in terms of Rule 5 and Rule 55 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. “

- 3. 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 55. The Applicant is a registered social landlord and Section 28 A (9) of the 2006 Act states “ *No application may be made under subsection (1) where the landlord is- (a) a local authority landlord (within the meaning of the Housing (Scotland) Act 2001***
- (b) a registered social landlord (being a body registered in the register maintained under section 57 of that Act).* The Applicant is a registered social landlord and cannot apply for assistance under Section 28 of the 2006 Act.

# M McAllister

Martin J. McAllister, Legal Member, 15 September 2025