



**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/25/3152**

**Parties**

**Mr Dean Ghobadi (Applicant)**

**23 Guthrie Court, Gleneagles Village, Auchterarder, PH3 1SD (House)**

**Tribunal Member: Jacqui Taylor (Legal Member)**

**The Tribunal rejects the application by the Applicant received by the Tribunal on 21<sup>st</sup> July 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 application was received by the Tribunal on 21<sup>st</sup> July 2025.

**2. The Tribunal administration sent an email to the Applicant dated 26<sup>th</sup> August 2025 in the following terms:**

*'A legal member of the Tribunal with delegated power of the Chamber President has considered the application submitted by you and has determined that further information is required before the matter can progress. They have noted the following:*  
*- 1. "You have submitted a Notice to Leave which has been served on you. Please confirm your current residential address. If you have moved from the Property, please confirm the date on which you did so. If the tenancy terminated prior to the date of your application, the Tribunal is unable to consider an application to determine if the property meets the repairing standard. 2. If you are still occupying the property, there is an issue about notification which requires to be given to your landlord in connection with repairs*

*issues. In terms of Section 22 (3) of the Housing (Scotland) Act 2006, an application by a tenant for determination of whether the landlord has failed to comply with the repairing standard cannot be made unless the landlord has been notified that work requires to be carried out to meet that standard. It is not clear that you have given notification the matters included in the application. You should send a letter to the landlord detailing the repairs issues which you consider require to be dealt with. A template letter is attached which you may find useful. Please submit a copy of the letter of notification together with proof of delivery on the landlord such as a copy of a sent email, an acknowledgement or proof of signed for mail. 3. The application form refers to an issue regarding the lack of hot water. You have indicated that this has been resolved. It appears therefore that this is no longer a live issue. An application to the Tribunal regarding an alleged failure by a landlord to maintain a property to the repairing standard can only be in relation to current issues not historic ones. 4. The Tribunal cannot consider matters included in the application but not notified to the landlord. 5. In considering whether a property meets the repairing standard, the Tribunal has no power to order a rebate of rent or payment of compensation. Please respond by 16 September 2025 failing which the Chamber President may decide to reject the application.'*

3. The Tribunal sent the Applicant a further email dated 25<sup>th</sup> September 2025 in the following terms:

*'We wrote to you on 26 August 2025 requesting that you provide us with further information by 16 September 2025 before we could consider your application. To date we have received no response from you. Please reply to this office with the necessary information by 2 October 2025. If we do not hear from you within this time, the Chamber President may decide to reject the application.'*

4. The Applicant did not reply to the emails from the Tribunal dated 26<sup>th</sup> August 2025 and 25<sup>th</sup> September 2025.

5. 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.

6. 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.

7. 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 the required work.

8. **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.

A handwritten signature in black ink that reads "J. Tayler". The signature is written in a cursive style with a large, looping "J" and a stylized "Tayler".

...

.....Legal Member  
Date: 28<sup>th</sup> November 2025