



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/25/3285

Parties

Mr Akpesiri Otobele (Applicant)

0/1, 79 Green Road, Paisley, PA2 9AQ (House)

Tribunal Member: Jacqui Taylor (Legal Member)

The Tribunal rejects the application by the Applicant received by the Tribunal on 31st 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 31st July 2025.

2. The Tribunal administration sent an email to the Applicant dated 1st September 2025 in the following terms:

'A legal Member of the Tribunal with delegated powers of the Chamber President has considered the application submitted by you and has determined that further information is required. They have noted the following: - 1. "You have sent a copy of an email to the letting agent dated 29 July 2025 in which you intimate that you are terminating the tenancy with immediate effect. Please confirm the position. Has the tenancy been terminated and, if so, when did this occur? What is your current residential address? 2. It is noted that Amaka Veronica Enuekweoghani is a co-tenant. If she is to be party to the application, she will require to sign the application form. If

she is not to be a party, you will require her written consent that she has no objection to you submitting the application. Please respond by 15 September 2025, failing which the Chamber President may decide to reject the application.”

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

‘We wrote to you on 01 September 2025 (attached) requesting that you provide us with further information by 15 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 1st and 25th September 2025.

5. The Law.

Section 22 (1) of the Housing (Scotland) Act 2006 provides that a Tenant may apply to the Tribunal for determination of whether a landlord has failed to comply with the repairing standard.

6. Decision.

As the Applicant had sent the Tribunal a copy of an email to the letting agent dated 29th July 2025 which stated that they were terminating the tenancy with immediate effect and as the Applicant has not confirmed to the Tribunal that they are still a tenant of the House 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 when the Applicant is no longer a Tenant of the House.

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.

.....J Taylor.....Legal Member

Date: 28th November 2025