



**DECISION AND STATEMENT OF REASONS OF MARTIN J. MCALLISTER,
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

3 Glenalva Court, Kilsyth, G65 9DN ("the Property")

Case Reference: FTS/HPC/RP/25/4092

Christopher Eaton ("the Applicant")

1. On 23 September 2025, the Tribunal received an application from the Applicant in terms of Section 22 (1) of the Housing (Scotland) Act ("the 2006 Act") On 5 December 2025, the Tribunal issued a request for further information and documents to the Applicant. The Applicant was asked (1) to provide evidence that he had notified the Landlord of the complaints referred to in the application and a copy of any response, (2) clarification on whether a joint owner of the Property should be added to the application, (3) the address of the Respondent, and (4) clarification on the repairing standard issues. No response was received and a reminder was sent on 30 December 2025.
2. On 31 December 2025, the Applicant responded to advise that he had moved from the Property. He did not provide any of the information which had been requested on 5 December 2025.
3. The Legal Member considered the application in terms of Rule 5 and Rule 48 of the Rules.

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. In terms of Section 22 (3) of the Housing (Scotland) Act 2006 a landlord has to be notified of work to be done prior to an application being made under Section 22 (1) of the Act.
6. In terms of Rules 48 (1) (a) (v), an application must include the address of the landlord.
7. In terms of Rule 5 (3) the Tribunal has requested information from the Tenant which has not been forthcoming.
8. **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 Rule 5 and Rule and Section 22(3) of the 2006 Act.**

REASONS FOR DECISION

9. The Tenant's application is in terms of Section 22(3) of the 2006 Act and Rule 48 of the Rules. Section 22(3) states that no application may be made unless the person making the application has notified the landlord that work requires to be carried out for the purpose of complying the duty to maintain the property in terms of Section 14 (1) (b) of the 2006 Act. Rule 48 (b) (ii) states that an application must be accompanied by the notification referred to.
10. The Tenant has failed to provide the information and documents required by Rule 48 of the Rules and Section 22(3) of the 2006 Act. The Tenant has also failed to provide this information and documentation, having been directed to do so in a request for further information by the Tribunal, in terms of Rule 5(3) of the Rules.
11. The Tenant is no longer a tenant in the Property.
12. The Legal Member therefore determines that the application cannot be accepted because it was incomplete when it was submitted and the requested information has not been provided. In addition, the tenancy has ended.

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.

McAllister

Martin J. McAllister, Legal Member
5 February 2026