



**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

45 Blink O'Forth, Prestonpans, EH32 9GA ("the Property")

Case Reference: FTS/HPC/RP/26/0241

Julie Donaldson ("the Applicant")

Demetra Demetriou and Yaninis Demetriou ("the Respondent")

1. The Applicant submitted an application to the Tribunal in terms of Section 22 (1) of the Housing (Scotland) Act 2006 which was received on 16 January 2026.
2. The application was about the alleged failure of the Respondent to maintain the Property to the repairing standard. Specifically, it referred to the Property not having a functioning boiler for a period.
3. In the application, the Applicant stated the bathroom had been "fully repaired" on 1 October 2025 boiler is no functioning but that they were seeking compensation for the period in which it had not been operational.

DECISION

4. The Legal Member considered the application in terms of Rule 5 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. “

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.” The basis of the decision is that the Applicant has failed to comply with Rule 5 of the Tribunal Rules.**

REASONS FOR DECISION

6. In terms of section 22 (1) of the 2006 Act, a tenant may apply to the Tribunal for determination of whether a landlord has failed to comply with the duty to maintain a house to the repairing standard. The Applicant has confirmed that the Property now meets the repairing standard in respect of the boiler which had been the reason for the application.

7. The Tribunal has no power to determine whether a landlord has historically failed to maintain a property to the repairing standard. The issue which the Applicant complained about in the application has been dealt with.

8. In respect of an application under the 2006 Act, the Tribunal has no power to award compensation. If the Applicant seeks compensation, an application must be made in terms of Section 71 (1) of the Private Housing (Tenancies) Act 2016. Details of the appropriate application are to be found on the Tribunal website.

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
about the appeal procedure can be forwarded to you on request.

Martin. J. McAllister

Martin J. McAllister, Legal Member
19 February 2026