



**DECISION AND STATEMENT OF REASONS OF JOSEPHINE BONNAR,
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

Case Reference: FTS/HPC/RP/25/4798

0/2 13 Lawrence Street, Glasgow ("the Property")

Brie Kreutzfeldt, B/1 26 Dowanside Road, Glasgow ("the Applicant")

1. The Applicant submitted an application to the Tribunal in terms of Section 22 of the Housing (Scotland) Act 2006 and Rule 48 of the Tribunal Procedure Rules 2017. The Applicant lodged a number of documents with the application, including an email to the letting agent terminating the tenancy. The Tribunal issued a request for further information in terms of Rule 5(3) of the Procedure Rules. The Applicant was asked to confirm if she was still the tenant of the property, as a Repairing Standard application can only be made by a current tenant. She was advised that she should withdraw the application if the tenancy had ended
2. The Applicant responded. She confirmed that the tenancy had ended and that she was no longer living at the property. However, she did not withdraw the application.

DECISION

3. The Legal Member considered the application in terms of Rule 8 and Rule 48 of the Chamber Procedural Rules and Section 22 of the 2006 Act.
4. **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."**

REASONS FOR DECISION

5. The application was submitted to the Tribunal on 6 November 2025. In the application, the Applicant provided a different home address from the address of the property. She also provided the Tribunal with a copy of an email to the letting agent, terminating the tenancy on 7 November 2025.
6. In terms of Section 12 of the 2006 Act, the property must meet the repairing standard at the start of the tenancy and at all times during the tenancy. Rule 48 of the Rules sets out the requirements for a repairing standard application. This can be made by a “tenant” in terms of Rule 48(1) or a “third party applicant” in terms of Rule 48(2). A third party applicant is a Local Authority (Section 22(1)(B)). There is no provision in the legislation for a former tenant to make an application. Furthermore, Section 7 of Schedule 2 of the 2006 Act states that a tenant may withdraw an application at any time and “the tenant is treated as having withdrawn if the tenancy concerned is lawfully terminated”.
7. The Legal Member is satisfied that the application can only be accepted if the Applicant is the tenant of the property. The Applicant has confirmed that she has not been the tenant of the property since 7 November 2025. Although she may have been the tenant at the time the application was first submitted, it had not been accepted by the date the tenancy ended. Furthermore, the application is to be treated as withdrawn following the termination.
8. In the circumstances, the Legal Member is satisfied that the application cannot be accepted because the Applicant is not the tenant. The application is rejected on that basis.

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.

Josephine Bonnar, Legal Member

3 March 2026