



**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**

**136 Invergarry Drive, Glasgow, G46 8UN ("the Property")**

**Case Reference: FTS/HPC/RP/25/4520**

**Maroef Sherzad("the Applicant")**

1. The Applicant applied to the Tribunal on 20 October 2025 in terms of Section 22 (1) of the Housing (Scotland) Act 2006.
2. The application was about the alleged failure of the Respondent to maintain the Property to the repairing standard.
3. On 4 December 2025, the Applicant was asked to provide further information. They were asked to clarify whether the tenancy was still in place and, if it had been terminated, the date when that occurred. This request was made because it appeared that the Applicant was no longer residing in the Property.
4. The Applicant gave no response to the letter seeking information and reminders were sent on 19 December 2025 and 5 and 28 February 2026. The Applicant has not responded.

**DECISION**

5. 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. “

**6. 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 Rules 5(3) of the Tribunal Rules and that, in the absence of clarification from the Applicant, the application appears to be incompetent.**

## **REASONS FOR DECISION**

7. Section 22 (1) of the Housing (Scotland) Act 2006 states that:

“A tenant may apply to the First –tier Tribunal for determination of whether the landlord has failed to comply with the duty imposed by section 14 (1) (b).” The duty imposed by section 14 is for a landlord to ensure that the house meets the repairing standard at all times during the tenancy.

8. The statutory provision is clear. An application requires to be submitted by a tenant, not a former tenant.
9. The Applicant has failed to provide information, having been required to do so by the Tribunal.
10. The Tribunal has 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

### **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.

**Martin. J . McAllister**

Martin J. McAllister, Legal Member  
5 May 2026