



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 (“the Tribunal Rules”)

211 High Street, Dalbeattie, DG5 4DW (“the Property”)

Case Reference: FTS/HPC/RP/26/1186

Roseanna Shaw (“the Applicant”)

Redacted (“the Landlord”)

1. The Applicant applied to the Tribunal in terms of Section 22 (1) of the Housing (Scotland) Act. The application is dated 13 March 2026.
2. The Applicant submitted copies of emails with the application. One of them from the Landlord dated 5 March 2026 referred to the Applicant having left the Property on 3 March 2026. The email dealt with a number of matters, including calculation of rent to 3 March 2026.

The Law:

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.

3. The statutory provision is clear. An application requires to be submitted by a tenant, not a former tenant.
4. The Applicant was not a tenant at the date of the application.
5. Accordingly, the Tribunal has good reason to believe that it would not be appropriate to accept the application since it is incompetent and rejects the application in terms of rule 8 (1) (c) of the Tribunal Rules

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

Martin J. McAllister, Legal Member, 18 June 2026