



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 8(1)(c) of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”)**

**Chamber Ref: FTS/HPC/RP/26/1723**

**Re: Property at 67 Lauriston Farm Road, Edinburgh, EH4 5EX (“the Property”)**

**Parties:**

**Mr Andrew Montague, Mrs Rachel Montague, 10a Moray Place, Edinburgh, EH3 6TD**

**Tribunal Members: Ruth O’Hare, In-house Convenor with delegated powers from the Chamber President**

**Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that there is good reason to believe that it would not be appropriate to accept this application received by the Tribunal on 17 April 2026.

The Tribunal therefore rejects the application under Rule 8(1)(c) of the Rules.

**Background**

- 1 This is an application under section 22(1) of the Housing (Scotland) Act 2006 and rule 48 of the Rules. The Applicants sought a determination on whether the Respondent was complying with the repairing standard as required by the provisions of the 2006 Act. The application was made on 17 April 2026.
- 2 The documents submitted with the application indicated that the tenancy had ended on 13 April 2026, with the Applicants providing a contact address which was not the Property.

**Relevant legislation**

- 3 Section 22(1) of the 2006 Act states “*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.

- 4 The Applicants are no longer tenants of the property and were not tenants on 17 April 2026 which was the date of the application. Section 22(1) is clear in that an application requires to be submitted by a tenant, not a former tenant. The Applicants have since intimated that they wish to withdraw their application, having made a separate application to the Tribunal under rule 111 of the Rules.
- 5 As the application cannot comply with the requirements of the 2006 Act there is good reason to believe it would not be appropriate to accept the application.
- 6 The application is therefore rejected under rule 8(1)(c) of the Rules.

### **Right of Appeal**

**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.**

**R O'Hare**

**11 June 2026**

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**Legal Member/Chair**

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**Date**