



**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

62A Drum Street, Gilmerton, Edinburgh, EH17 8RN ("the Property")

Case Reference: FTS/HPC/RP/26/0553

Rebecca Finlay ("the Applicant")

Redacted ("the Respondent")

1. The Applicant applied to the Tribunal on 4 February 2026 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 23 March 2026, the Applicant advised that the particular repairing standard issue had been resolved with the repair of a central heating boiler.
4. The Applicant was asked to consider withdrawal of the application.
5. The Applicant responded on 16 June 2026 and did not confirm that she wanted the application to be withdrawn. She said that the issue she had was the way that she was treated by the landlord and letting agent during the 12 day period in which she was left without heating and hot water.

DECISION

6. 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. “

- 7. 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

8. 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 always meets the repairing standard during the tenancy.

9. An application under the 2006 Act is in respect of a determination of whether there has been compliance with the repairing standard. The Applicant confirmed on 23 March 2026 that the issue with the boiler had been resolved. There was therefore no function for the Tribunal to perform under the 2006 Act.

10. If the Applicant contends that she has grounds for seeking a remedy from the Respondent or the letting agent, then she needs to consider whether an application is appropriate under another statute.

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
28 July 2026