



**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

3/1,141 Crail Street, Glasgow, G31 5RA ("the Property")

Case Reference: FTS/HPC/RP/22/2523

Patricia Drummond ("the Tenant")

Parkhead Lettings Company Ltd ("the Landlord")

1. The Tenant submitted an application to the Tribunal on 25th July 2022 in terms of Section 22 (1) of the Housing (Scotland) Act 2006 ("the 2006 Act"). After communications between the Tribunal and the Tenant, an amended application was lodged with the Tribunal on 22nd September 2022. On 16th August, 30th August and 1st November 2022, the Tribunal issued to the Tenant requests for further information and documentation. The Tenant was asked for specification on the repairs which required to be done, a copy of the notification to the Landlord in terms of Section 22(1) of the 2006 act together with proof of deliver and clarification with regard to the identity of the landlord.
2. Some information was provided by the Tenant and, on 1st November 2022, she advised the Tribunal that all outstanding repairs had been carried out. On 11th November 2022, the Tenant was asked to consider withdrawing the application. She has not done so.

DECISION

3. The Legal Member considered the application in terms of Rule 5 and Rule 43 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. “

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.” The basis of the decision is that the Applicant has failed to comply with Rule 5 and Rule 48 and Section 22(3) of the 2006 Act.**

REASONS FOR DECISION

5. The Tenant has advised that the repairs to the Property have been completed. In the circumstances, there is no merit in proceeding with the application.

6. In addition, the Tenant has failed to provide the information and documents required by Rule 48 of the Rules and Section 22(3) of the 2006 Act. The Tenant

has also failed to provide this information and documentation, having been directed to do so in a request for further information by the Tribunal, in terms of Rule 5(3) of the Rules. The Legal Member therefore determines that the application cannot be accepted. 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.

Martin J. McAllister, Legal Member
12th December 2022