

# Housing and Property Chamber First-tier Tribunal for Scotland

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**Decision by the Convener with Delegated Powers of the Chamber President**

**Under Rule 8 of the Schedule 1 to the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) (Regulations) 2017 ('the 2017 rules')**

**Re: Application to First-tier Tribunal made under section 22 of the Housing (Scotland) Act 2006**

**Chamber Reference Number: FTS/HPC/RP/18/3248**

**Re: Property Address: 2 Diriebught Court, Inverness, IV2 3QU ("the Property")**

**Parties:**

**Paula Milne, residing at the Property ("the Tenant")**

**Gordon Maclellan (Landlord)**

**Decision**

After careful consideration of the homeowner's application in terms of rule 8 of the 2017 rules, **I have decided that the application should be rejected.**

**Reasons for the decision and grounds for rejection**

I have considered the application in terms of Rule 8 of the 2017 rules. Rule 8 provides as follows:

**Rejection of application**

**8.—(1) The Chamber President or another member of the First-tier Tribunal under the delegated powers of the Chamber President, must reject an application if—**

**(a)...**

**(b) the dispute to which the application relates has been resolved;**

(c) they have good reason to believe that it would not be appropriate to accept the application...

(2) Where the Chamber President, or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, makes a decision under paragraph (1) to reject an application the First-tier Tribunal must notify the applicant and the notification must state the reason for the decision.

### **Reasons for decision**

By email dated 18 March 2019, confirmed on 3 May 2019, you wrote to us to state that all of the necessary repairs had been completed. On the basis of these emails, I am satisfied that the complaint underlying the application has now been resolved.

I have therefore decided to reject your application under Rule 8 (b) and (c) of the 2017 rules.

### **What you should do now**

If you accept the Convener's decision, there is no need to reply.

If you disagree with this decision –

**A party aggrieved by the decision of the Chamber President or the Convener 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.**

Yours sincerely

M O'Carroll

Convener

Legal member, First-tier Tribunal for Scotland (Housing and Property Chamber)