



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.

Chamber Ref:FTS/HPC/RP/20/0314

Parties

Mrs Jessica Walker (Applicant)

Mr David Gemmell, Mrs Agnes Gemmell (Respondent)

50 Westend Drive, Bellshill, ML4 3AS (House)

Tribunal Member: Jacqui Taylor (Legal Member)

The Tribunal rejects the application by the Applicant dated 28th January 2020, being an application under section 22(1) of the Housing (Scotland) Act 2006 requesting the Tribunal to determine if the House complies with the Repairing Standard.

The Tribunal Administration sent letters/ emails to the Applicant dated 21st February 2020, 16th March 2020 and 1st June 2020 requesting further information to enable the Tribunal to proceed with the application.

They requested evidence that proper notification had been made on the Respondent.

The Applicant sent the Tribunal Administration an email dated 15th June 2020 advising that notification to the Landlord had been made by face to face conversations with the Landlord and text messages which were not exhibited. The required evidence of notification was not provided.

The email from the Tribunal Administration to the Applicant dated 16th March 2020 also explained that if the Tribunal do not receive the information requested the President may decide to reject the application.

As evidence of notification to the Landlord of the works required has not been provided, as required by section 22(3) of the Housing (Scotland) Act 2006, the Tribunal has good reason to believe that it would not be appropriate to accept the application in terms of rule 8(10)(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

J Taylor

.....Legal Member Date: 30th June 2020