



**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/20/2285

Re: 67 Aitkenhead Avenue, Kirkwood, Coatbridge, ML5 5SL ("the Property")

Parties:

Miss Kerry Porter, (67 Aitkenhead Avenue, Kirkwood, Coatbridge, ML5 5SL "the Applicant")

North Lanarkshire Council, Fleming House, 2 Tryst Road, Cumbernauld, G67 1JW ("the Respondent")

Tribunal Member: Martin J. McAllister (Legal Member)

**The Tribunal rejects the application by the applicant dated 30<sup>TH</sup> October 2020 which is an application under Section 22 (1) of the Housing (Scotland) Act 2006 and Rule 48 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.**

1. The Applicant provided a copy of her tenancy agreement which shows it to be a Scottish secure tenancy.
2. The Landlord is North Lanarkshire Council. A local authority.
3. The Law:

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 meets the repairing standard at all times during the tenancy.

Section 12 of the Housing (Scotland) Act 2006 states that the repairing standard applies to any tenancy of a house let for human habitation unless it is *inter alia* -

“(a) a Scottish secure tenancy or a short Scottish secure tenancy.”

4. The Tribunal has no jurisdiction to consider an application in respect of a property let under a Scottish secure tenancy.
5. Accordingly the Tribunal has good reason to believe that it would not be appropriate to accept the application and rejects the application in terms of rule 8 (1) (c) of the Tribunal.

**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**

Martin J. McAllister, Legal Member, 3rd December 2020