



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.

Case reference FTS/HPC/RP/23/1204

Parties

Mr Chee Shien Tan (Applicant)

Airthrey Mill Company Ltd & Airthrey Mill Property Company Ltd (Respondent)

3 Abbey Mill Riverside, Stirling, FK8 1QS (House)

Tribunal Member: Jacqui Taylor (Legal Member)

The Tribunal rejects the application by the Applicant dated 17th April 2023 being an application under section 22(1) of the Housing (Scotland) Act 2006 requesting the Tribunal to determine if the property complies with the Repairing Standard.

The Applicant sent the Tribunal an email dated 17th April 2023 which explains that he is: 'seeking claims against the landlord for the disrepair of the property (3 Abbey Mill Riverside, FK8 1QS) for the time period of 16 August to 19 October 2022 (58 days). The roof of the bathroom ceiling collapsed on one of the tenants despite several attempts on asking the landlord to conduct a check following a leaking roof. (Pictures as attached) (Other information can be found in the 'Claims being seek') Several mediations with the landlord have been done in attempts for a solution but none has been reached. The letter of claim has been sent on 11 November which has been refuted by the landlord. (Attached) We have sought advice from Citizen Advice (since 17 Jan 2023) and Ms Evelyn Tweed, Minister for Stirling, (since 2 Feb 2023) to which the landlord has refused to respond to despite several attempts at contacting them. (CC'ed in email)'

As the repairs to the Property have been completed and the Applicant is seeking compensation an application to the Tribunal in terms of section 22(1) of the Housing (Scotland) Act 2006 is not appropriate.

Accordingly the Tribunal have good reason to believe that it would not be appropriate to accept the application and reject the application in terms of rule 8 (1)(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

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.....Legal Member Date: 10th May 2023