



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/19/2436

Re: 678 Old Dalkeith Road, Danderhall, EH22 1RR("the Property")

Parties:

Steven Waddell ("the Applicant")

Alan More Nisbett ("the Respondents")

Tribunal Member: Jacqui Taylor (Legal Member)

The Tribunal rejects the application by the Applicant dated 30th July 2019 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 Tribunal Administration sent letters/ emails to the Applicant dated 13th August 2019, 18th September 2019 and 4th November 2019 requesting further information to enable the Tribunal to proceed with the application.

The emails requested a copy of the architect's report referred to by the Applicant in his application and evidence that proper notification had been made on the Respondent.

No response was received and the required documents were not provided.

The email from the Tribunal Administration to the Applicant dated 4th November 2019 also explained that if the Tribunal do not receive the information requested by 18th November 2019 the President may decide to reject the application.

As no response has been received to the said letters/ emails dated 13th August 2019, 18th September 2019 and 4th November 2019 the Tribunal believe that the dispute has been resolved and reject the application in terms of rule 8(10)(b) 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: 4th December 2019