



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/23/0676

Parties

Mrs Denise Davies (Applicant)

Mrs Amy McMillan (Respondent)

11D West Sanquhar Road, Ayr, KA8 9HP (House)

The Tribunal rejects the application by the Applicant dated 2nd March 2023, 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 the Applicant an email dated 16th March 2023 requesting further information before a decision could be made on the validity of the application. The Applicant sent the Tribunal Administration an email in response dated 9th April 2023 which states that she did not move into the Property as environmental health said it was unfit to be lived in and should never have been let out.

At the date of the application (2nd March 2023) the Applicant was not a Tenant of the Property and consequently she is not entitled to apply for a determination of whether the landlord has failed to comply with the repairing standard in terms of section 22 of the Housing (Scotland) Act 2006.

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

.....Legal Member Date: 3rd March 2023