



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/22/0730

Re: 23 Dykes Road, Penicuik, Midlothian, EH26 0JD ("the Property")

Parties:

Callum O'Meara, 23 Dykes Road, Penicuik, Midlothian, EH26 0JD ("the Applicant")

Midlothian Council, Midlothian House, Buccleuch Street, Dalkeith, EH22 1DN ("the Respondent")

Tribunal Member: Martin J. McAllister (Legal Member)

The Tribunal rejects the application by the applicant received by it on 14th March 2022 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 Law:

In relation to tenancies to which the repairing standard duty applies, Section 12 of the Housing (Scotland) Act 2006 states that:

“(1) This Chapter applies to any tenancy of a house let for human habitation unless it is-

2. A Scottish secure tenancy or a short Scottish secure tenancy.”
3. The Applicant submitted a copy of his tenancy agreement which is dated 12th and 13th August 2021. The landlord is Midlothian Council, a local authority. The first page of the tenancy agreement states that it is a Scottish secure tenancy.
4. The application is incompetent.
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, 24th March 2022