



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/23/1223

Re: 13/3 Southhouse Brae, Edinburgh, EH17 2DG ("the Property")

Parties:

Mr Rafal Pawelek ("the Applicant")

Home in Scotland Ltd ("the Respondent")

Tribunal Member: M J. McAllister (Legal Member)

The Tribunal rejects the application by the applicant dated 19th April 2023 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 submitted a copy of the relevant tenancy agreement which is a Scottish Secure Tenancy granted by the Respondent.

2. Home in Scotland Ltd is registered as a housing provider by the Scottish Housing Regulator.

3. The Law:

Section 12 of the Housing (Scotland) Act 2006:

Tenancies to which the repairing standard duty applies

(1) This Chapter applies to any tenancy of a house let for human habitation unless it is- (a) a Scottish secure tenancy or a short Scottish secure tenancy.....

Decision

4. 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.

Reasons

5. The Applicant is renting the Property from the Respondent under a Scottish Secure Tenancy Agreement. In accordance with Section 12 of the 2006 Act, it is not competent for the Applicant to submit an application in respect of the repairing standard. The repairing standard does not apply to the Property.

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

M J. McAllister, Legal Member, 11th May 2023