



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/20/2675

Parties

Mrs Sheila Summers (Applicant)

Ms Zandra Black (Respondent)

34 Tay Avenue, Comrie, Crieff, PH6 2PF (House)

Tribunal Member: Jacqui Taylor (Legal Member)

The Tribunal rejects the application by the Applicant dated 20th December 2020, 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 Applicants states that she does not believe that the Property complies with the element of the repairing standard which states that the installations for supplying water, gas and electricity and for sanitation, space heating and heating water must be in a reasonable state of repair and in proper working order.

The Application states that the Applicant notified the Respondent that the boiler was faulty on 19th August 2020 but then states that a new boiler was installed on 11th November 2020. The application explains that the Applicant seeks compensation due to the lack of heating for three months and the adverse effect on her health and increased heating costs.

At the date of the application (20th December 2020) the boiler had been renewed and there is no indication from the detail of the application that the new boiler does not comply with the Repairing Standard.

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: 6th January 2021