



**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/23/0518

Re: 17 Ashgrove Court, Elgin, IV30 1UH ("the Property")

Parties:

Hannah Moore and Neil Alexander ("the Applicants")

Susan Sammons ("the Respondent")

Tribunal Member: M J. McAllister (Legal Member)

**The Tribunal rejects the application by the applicant dated 10<sup>th</sup> February 2023 which is an application under Section 22 (1) of the Housing (Scotland) Act 2006 ("the 2006 Act") and Rule 48 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.**

1. The Applicants submitted an application dated 10<sup>th</sup> February 2023 for a determination on whether the Respondent was maintaining the Property to the repairing standard as required by the provisions of the 2006 Act..
2. The Applicants confirmed that the tenancy of the Property had ended on 22<sup>nd</sup> December 2022.
3. The Law:

Section 22 (1) of the Housing (Scotland) Act 2006 states that:

“A tenant may apply to the First –tier Tribunal for determination of whether the landlord has failed to comply with the duty imposed by section 14 (1) (b).” The duty imposed by section 14 is for a landlord to ensure that the house meets the repairing standard at all times during the tenancy.

4. The Applicants are no longer tenants and were not tenants on 10<sup>th</sup> February 2023 which was the date of the application.
5. The Applicants were not tenants when the application was submitted. The statutory provision is clear. An application requires to be submitted by a tenant not a former tenant.
6. 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**

M J. McAllister, Legal Member, 17<sup>th</sup> March 2023