



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/RT/23/1096

Re: 1 McGregor Avenue, Lochgelly, Fife, KY5 9PE ("the Property")

Parties:

John Schiavone ("the Applicant")

Stuart Patterson ("the Respondent")

Tribunal Member: M J. McAllister (Legal Member)

The Tribunal rejects the application by the applicant dated 6th April 2023 which is an application under Section 22 (1)A 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. ("the Procedure Rules")

1. The Applicant intimated in the application form that he had been the landlord of the Property and was seeking to recover damages from the Respondent in connection with the contractual terms of the tenancy agreement.

2. The Law:

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

"A person mentioned in subsection (1B) may apply to the First-tier Tribunal for determination of whether a landlord has failed to comply with the duty imposed by

section 14 (1) (b) of the 2006 Act.” 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.

The persons referred to in Section 22 A (1B) are

(a) A local authority

(b) A person specified by order made by the Scottish Ministers.

3. The Applicant is neither a local authority nor a person specified by Scottish Ministers.

4. On 3rd May 2023, the Applicant was invited to withdraw the application and directed to the Tribunal’s website with regard to his possible remedies.. He has not withdrawn the application.

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) (a) and 8 (1) (c) of the Tribunal. The application is frivolous and vexatious, being completely without merit and it is not appropriate to receive it.

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, 15th June 2023