

Housing and Property Chamber --
First tier Tribunal for Scotland



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/20/2017

Re: 6 Killearn Crescent, Plains, Airdrie, North Lanarkshire, ML6 7VR ("the Property")

Parties:

Mr Christopher Lucock, present address

unknown

("the Applicant")

Mr Clive Aronson, 28 Ayr Road, Giffnock,

Glasgow, G46 6RY

("the Respondent")

Tribunal Member: Martin J. McAllister (Legal Member) acting under delegated powers of the Chamber President.

The Tribunal rejects the application by the applicant under section 14(1) of the Act requesting the Tribunal to determine if the property complies with the Repairing Standard.

Reasons

1. The application is dated 23rd September 2020.
2. The tenancy was terminated on 20th November 2020 when the tenant vacated the Property.
3. In terms of section 22(1) of the Housing (Scotland) Act 2006 an application under section 14(1) of the Act requesting the Tribunal to determine if the property complies with the Repairing Standard can only be made by a tenant of the Property. As the applicant no longer resides in the Property he is not tenant of the Property.
4. In terms of Schedule 7(1) of the Housing (Scotland) Act 2006, a tenant is to be treated as having withdrawn an application if the tenancy concerned is lawfully terminated.
5. In terms of Schedule 7 (2) of the Housing (Scotland) Act 2006 the Chamber President may

abandon the application or, despite the withdrawal, continue to refer the case for determination.

6. It is not considered appropriate to refer the case for determination as there are no significant health and safety issues set out in the application which would mitigate in favour of referring the application for determination.
7. Accordingly the application is rejected as the Tribunal believes that it is not appropriate to accept the application in terms of Tribunal Rule 8.

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

Martin J. McAllister, Legal Member, 8th December 2020