



**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/21/1655

**Parties**

**Miss Kaitlin Paterson (Applicant)**

**Mr Kevin James Harper (Respondent)**

**8 The Willows, Tullibody, FK10 2XF (House)**

Tribunal Member: Jacqui Taylor (Legal Member)

The Tribunal rejects the application by the Applicant received by the Tribunal on 12<sup>th</sup> July 2021, 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 Tribunal sent the Applicant a letter by email dated 25<sup>th</sup> August 2021 requesting the following information:

1. Please submit a full copy of your tenancy agreement.
2. You have stated that the sink and overflow pipe have been fixed. Are they not part of your application?
3. You have stated that you are no longer in the property. Please provide your current address. Please advise whether or not you have moved from the property on a permanent basis.
4. You have been advised that we require to see evidence that you have notified the landlord of the lack of repair detailed in your application. You have not done so. We attach another copy of a template letter which you may want to use for this purpose. The Tribunal has to be satisfied that your landlord has received notification of the repairs which you consider require to be carried out on the property. It is suggested that you send the letter of notification by recorded delivery post and then provide us

with a copy of the letter with proof of posting . Your landlord requires to be given an opportunity to deal with any repairs intimated to him.

As no response was received to the said letter the Tribunal sent the Applicant a further letter by email dated 24<sup>th</sup> September 2021 requesting the information to be provided to the Tribunal by 1<sup>st</sup> October 2021. The letter explained that if the information was not provided by that date the President may reject the application.

The information requested in the said letter dated 25<sup>th</sup> August 2021 has not been provided and the Tribunal has not received a response to the said letters dated 25<sup>th</sup> August 2021 and 24<sup>th</sup> September 2021. 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**



.....Legal Member    Date: 6 October 2021