



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/20/2142

Parties

Mr Michael O'Connell (Applicant)

Mr Richard Nimmo (Respondent)

18 Laburnum Avenue, Beith, North Ayrshire, KA15 1BQ (House)

Tribunal Member: Jacqui Taylor (Legal Member)

The Tribunal rejects the application by the Applicant dated 2nd October 2020 being an application under section 22(1) of the Housing (Scotland) Act 2006.

The Tribunal sent the Applicant emails dated 20th October 2020 and 4th November 2020 which requested that he provide the Tribunal with evidence that he has notified the Landlord of the repairs required to enable the application to be processed. The email dated 4th November 2020 asked that the requested information be provided by 11th November 2020.

The Applicant did not provide the information requested. Section 22(3) of the Housing (Scotland) Act 2006 provides that no application may be made to the Tribunal unless the Landlord has been notified that works require to be carried out for the purposes of complying 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: 25th November 2020