



**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/22/0962

**Parties**

**Mrs April Arnold, Mr Colin Arnold (Applicant)**

**Mr Stephen Black (Respondent)**

**34c Hunter Street, Airdrie, ML6 6NR (House)**

Tribunal Member: Jacqui Taylor (Legal Member)

The Tribunal rejects the application by the Applicant dated 1<sup>st</sup> April 2022, 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 an email to the Applicant dated 7<sup>th</sup> April 2022 requesting further information to enable the Tribunal to proceed with the application and requesting that the necessary information be provided by 5<sup>th</sup> May 2022. The email dated 7<sup>th</sup> April 2022 was in the following terms:

*'1. In terms of Section 22 (3) of the Housing (Scotland) Act 2006, an application by a tenant for determination of whether the landlord has failed to comply with the repairing standard cannot be made unless the landlord has been notified that work requires to be carried out to meet that standard. You have provided information of various communications between the landlord and you which consist of a number of emails (part of which has been redacted) but it is not clear that appropriate notification has been given. The Tribunal requires to be satisfied that a Landlord has had sufficient notice of the specific repairs which you consider are required. Please now do so and a template letter is attached which you may find useful. A landlord has to be given sufficient time to resolve issues that have been brought to their attention. An application must mirror the notification given to a landlord, failing which the Tribunal will not be able to deal with*

*matters of which the landlord has not been notified. 2. The Tribunal requires to have evidence that the notification has been sent to the landlord and this could be a copy of a sent email, an acknowledgement from the landlord or evidence that a recorded delivery letter has been delivered.'*

The applicant sent an email to the Tribunal administration dated 31<sup>st</sup> May 2022 and provided copies of text messages between the parties. However the documentation requested in the email from the Tribunal dated 7<sup>th</sup> April 2022 has not been provided.

The Tribunal rejects the application in terms of rule 8(10(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: 10<sup>th</sup> June 2022