



**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/22/0967

**Parties**

**Mr Rafal Hajduk (Applicant)**

**East Lothian Housing Association (Respondent)**

**CAPS Independent Advocacy (Applicant's Representative)**

**28 The Waggonway, Tranent, East Lothian, EH33 2QY (House)**

Tribunal Member: Jacqui Taylor (Legal Member)

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. The Applicant provided the Tribunal with a copy of the lease. The lease is a Scottish Secure Tenancy. In terms of section 12(1)(a) of the Housing (Scotland) Act 2006 the Repairing Standard does not apply to a Scottish Secure Tenancy. 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**

Legal Member

Date: 25<sup>th</sup> July 2022