



**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/23/3451

**Parties**

**Mr Seweryn Sitarski (Applicant)**

**Mr Joyce Nelson (Respondent)**

**16/8 Allanfield, Edinburgh, EH7 5YJ (House)**

Tribunal Member: J Taylor (Legal Member)

The Tribunal rejects the application by the Applicant dated 29<sup>th</sup> September 2023 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 Administration sent a letter/ email to the Applicant dated 1<sup>st</sup> November 2023 requesting further information to enable the Tribunal to proceed with the application.

The email was in the following terms:

*'1. Your application is in connection with the repairing standard and the appropriate form is Form A. You will require to complete a fresh application form and submit. The current reference number will remain the same.*

*2. You have submitted screen shots which show that you have notified the landlord's agent of issues with mould, kitchen cupboards and hot water. An application can only deal with matters which have been notified to the landlord.*

*3. You have stated that the property has been sold which means that you will have a new landlord. 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. The Tribunal requires to be satisfied that a Landlord has had sufficient notice of the specific repairs which you consider are required. An application to the Tribunal must mirror the notification given*

*to a landlord. You will require to give the appropriate notification to the current landlord. Please now give the appropriate notification to the landlord or alternatively provide evidence that the landlord has had notification. This might be a copy of a sent email, an acknowledgement from the landlord or his agents . A template letter is attached which you may find useful. Landlords have to be given sufficient time to resolve issues that have been brought to their attention. The Tribunal will not be able to deal with matters of which the landlord has not been notified. If you are sending a letter of notification, evidence of its delivery is required, as previously stated.*

*4. A landlord requires to be given an opportunity to remedy any defects in a let property and, since you require to provide notification to the new landlord, you may want to withhold the application to give the landlord an opportunity to deal with matters. Please respond by 29 November 2023, failing which the President may decide to reject the application.*

A further email dated 30<sup>th</sup> November 2023 was sent to the Applicant requesting the information detailed in the email dated 1<sup>st</sup> November 2023.

No response was received and the required documents were not provided.

As no response has been received to the said letters/ emails dated 1<sup>st</sup> and 30<sup>th</sup> November 2023 the Tribunal believe that the dispute has been resolved and reject the application in terms of rule 8(10(b) 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: 18<sup>th</sup> December 2023