



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 8(1)(c) of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”)

Reference number: FTS/HPC/RP/26/2710

Re: Property at Apartment 8/7, PLATFORM Block C, 5 Warroch Place, Glasgow, G3 8JL (“the Property”)

The Parties:

Mr Matthew Wagstaff (“the Tenant”)

Tribunal Members: Ruth O’Hare, Legal Member with delegated powers from the Chamber President

Decision

The Legal Member determined that there is good reason to believe that it would not be appropriate to accept the application received by it on 12 June 2026. The Legal Member therefore rejects the application under Rule 8(1)(c) of the Rules.

Background

- 1 This is an application for a determination that the landlord has failed to comply with the repairing standard under section 22(1) of the Housing (Scotland) Act 2006 and Rule 48 of the Rules. The application was received by the Tribunal on 12 June 2026.
- 2 A Legal Member with delegated powers from the Chamber President considered the application to determine whether it met the mandatory requirements for lodgement. On 19 June 2026 the Tribunal wrote to the Applicant requesting an address for the respondent along with confirmation as to whether the respondent had replied to the notification of repairs. The Applicant did not respond. The Tribunal wrote again to the Applicant on 6 July 2026 requesting he provide the information. On 7 July 2026 the Applicant wrote to the Tribunal outlining the respondent’s position regarding the repairs. The Applicant did not provide an address for the respondent.
- 3 On 11 August 2026 and 20 August 2026, the Tribunal wrote again to the Applicant requesting an address for the respondent. The Applicant was advised that if he failed to provide a response the Tribunal may reject the application.

- 4 No response has been received from the Applicant as at the date of this decision.

Reasons for decision

- 5 The Legal Member considered the application in terms of the Rules and determined that the application should be rejected in terms of Rule 8(1)(c) which states that an application must be rejected if the Tribunal has *“good reason to believe that it would not be appropriate to accept the application.”*
- 6 In terms of Rule 5(3) of the Rules, *“if it is determined that an application has not been lodged in the prescribed manner, the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, may request further documents and the application is held to be made on the date that the First-tier Tribunal receives the last of any outstanding documents necessary to meet the required manner for lodgement.”*
- 7 Rule 48 sets out the required manner for lodgement for an application under section 22(1) of the Housing (Scotland) Act 2006:-
- “48.—(1) Where a tenant makes an application under section 22(1) (application in respect of the repairing standard) of the 2006 Act—*
- (a) in addition to the tenant’s reasons as required by section 22(2) of the 2006 Act (reasons for considering that the landlord has failed to comply with the landlord’s duty), the application must state—*
- (i) the name and address of the tenant;*
 - (ii) that the application is made under that section;*
 - (iii) the name, address, and profession of any representative of the tenant;*
 - (iv) the name of the landlord;*
 - (v) the address of the landlord or the name, address and profession, if known, of any representative of the landlord;*
 - (vi) the landlord’s registration number, if known;*
 - (vii) the nature of the work requiring to be done; and*
 - (viii) that the landlord has been notified of the work under section 22(3) of the 2006 Act;”*

8 The Applicant has failed to provide an address for the landlord or any representative acting on their behalf. In terms of Rule 5(3) of the Rules, the Chamber President or another member of the Tribunal under the delegated powers of the Chamber President, may request further documents if it is determined that an application has not been lodged in the prescribed manner. The application in its current form does not meet the mandatory requirements for lodgement that apply to an application under Rule 48 of the Rules. The Applicant has been asked for the required information on four occasions. He has been warned that a failure to provide the information may result in the application being rejected. The Applicant has therefore been given the opportunity to address the outstanding matters.

- 9 Accordingly, in view of the Applicant's failure to cooperate with the Tribunal in providing the required information, the Legal Member has concluded that there is good reason to reject the application under Rule 8(1)(c).

Right of Appeal

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.

RUTH O'HARE

30 September 2026

Legal Member/Chair

Date