



**DECISION AND STATEMENT OF REASONS OF JAMES BAULD, LEGAL
MEMBER OF THE FIRST-TIER TRIBUNAL WITH DELEGATED POWERS OF
THE CHAMBER PRESIDENT**

Under Rule 8 of the First-tier Tribunal for Scotland Housing and Property
Chamber Rules of Procedure 2017 ("the Procedural Rules")

in connection with

Case reference FTS/HPC/RP/25/5039

Parties

Ms Wensi Cai (Applicant)

Flat 7/9 357, Glasgow Harbour Terraces, Glasgow, G11 6EB (House)

Background

1. The application was lodged with the tribunal on 21 November 2025 and apparently made under Rule 48 of the Procedural Rules being an application for determination of whether a landlord had failed to comply with the repairing standard in terms of the Housing (Scotland) Act 2006. The application was accompanied by supporting documentation.
2. By way of emails dated 30 December 2025 and 5 February 2026, requests for further information was sent to the Applicant. The applicant had indicated that she was not occupying the property and was asked to confirm the basis upon which the application could proceed or to confirm that she was withdrawing the application. It was suspected by a legal member of the tribunal that the application may not be competent.

3. The email of 5 February 2026 from the tribunal to the applicant by email contained the following:-

“Your application has been further reviewed by a legal member of the First-tier Tribunal with delegated powers of the Chamber President.

Your email of 30 December 2025 is acknowledged and has been considered.

It is noted that you confirm that you vacated the property on 9 October 2025 and that your tenancy ended on that date.

As previously indicated to you, applications to enforce the repairing standard can only be lodged by a current tenant. The repairing standard application process is not retrospective. Please confirm that you understand this position and that you now seek to withdraw this application.

If you do not withdraw the application, the tribunal will have no option but to reject the application as it is not competent.

The tribunal would suggest that you may find it useful to seek independent legal advice on this application, the matters contained in this letter and any further action which you wish to take.

Please respond by 26 February 2026.

You should be aware that the Tribunal has the power to reject applications on grounds set out in rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations.”

4. The applicant has not responded to that email.

DECISION

5. The circumstances in which an application is to be rejected are governed by Rule 8 of the Chamber Procedural Rules. That Rule provides:-

"Rejection of application

8. —(1) *The Chamber President or another member of the First-tier Tribunal under the*

delegated powers of the Chamber President, must reject an application if –

- (a) they consider that the application is frivolous or vexatious;*
- (b) the dispute to which the application relates has been resolved;*
- (c) they have good reason to believe that it would not be appropriate to accept the application;*
- (d) they consider that the application is being made for a purpose other than a purpose specified in the application; or*
- (e) the applicant has previously made an identical or substantially similar application and in the opinion of the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, there has been no significant change in any material considerations since the identical or substantially similar application was determined.*

(2) Where the Chamber President, or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, makes a decision under paragraph (1) to reject an application the First-tier Tribunal must notify the applicant and the notification must state the reason for the decision."

6. After consideration of the application, the further information referred to and the correspondence from the Applicant, the Legal Member considers that the application should be rejected on the basis that it would not be appropriate to accept the application within the meaning of Rule 8 (1)(c) of the Procedural Rules.

REASONS FOR DECISION

7. The proposed applicant is no longer a tenant of the property and was not a tenant at the date of lodging the application.

8. In terms of the 2006 Act, applications to the tribunal seeking to enforce the repairing standard can only be made by a tenant of the property or by a specified third party applicant. The applicant was not the tenant of the property on the date she submitted the application
9. It is therefore not competent for the Applicant to submit an application for a determination of whether the landlord has failed to comply with the repairing standard. The action falls to be rejected

What you should do now

If you accept the Legal Member's decision, there is no need to reply.

If you disagree with this decision:-

An applicant aggrieved by the decision of the Chamber President, or any Legal Member acting under delegated powers, 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. Information about the appeal procedure can be forwarded to you on request.

J Bauld

Mr James Bauld

Legal Member

20 April 2026