Housing and Property Chamber
First-tier Tribunal for Scotland

Decision and 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/26/2391

Re: Property at 12 Williamson Court, Largo Street, Arbroath, DD11 5EB ("the Property")

The Parties:

Mr Andrew John Shields ("the Applicant")

Tribunal Member: 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 this application received by the Tribunal on 28 May 2026. The Legal Member therefore rejects the application under Rule 8(1)(c) of the Rules.

Background

1 The Applicant submitted an application to the Tribunal on 28 May 2026 under section 22 of the Housing (Scotland) Act 2006 ("the 2006 Act") for a determination that the landlord had failed to comply with the repairing standard.

2 The application was reviewed by a Legal Member of the Tribunal with delegated powers from the Chamber President under Rule 5(2) of the Rules. On 22 June 2026 the Tribunal wrote to the Applicant requesting further information. The Applicant was asked to provide evidence that the landlord had been notified of the issues requiring attention.

3 On 26 June 2026 the Applicant provided screenshots of emails sent to the landlord.

4 On 31 July 2026 the Tribunal wrote to the Applicant stating "*Your reply of 26 June 2026 does not answer the specific matters we raised. Your application cannot be accepted until these outstanding matters have been resolved".* The Tribunal asked the Applicant to provide the information no later than 13 August 2026.

5 No response was received from the Applicant. On 17 August 2026, 21 September 2026, and 15 October 2026 the Tribunal sent reminders to the Applicant requesting the outstanding information. The Applicant was told that in the absence of a response his application would be rejected.

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

Reasons for decision

7 The Legal Member has 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*".

8 The basis of the decision is the Applicant's failure to respond to the Tribunal's requests for information. The Tribunal has requested further information from the Applicant under Rule 5(3) of the Rules which states that "*If is it 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".* Four requests for information have been sent to the Applicant. He has therefore been given ample opportunity to provide a response.

9 The Legal Member has accordingly determined that the Applicant's failure to provide the requested information and cooperate with the Tribunal constitutes good reason as to why it would not be appropriate to accept the application. The Legal Member therefore rejects the application under Rule 8(1)(c).

A party 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 parties on request.

R O'Hare

Legal Member of the Tribunal
Dated: 13 November 2026