Housing and Property Chamber
First-tier Tribunal for Scotland

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/26/0776

Re: Property at 2 Station Road, Muthill, Crieff, PH5 2AR ("the Property")

The Parties:

Miss Zara Canniffe ("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 16 February 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 16 February 2026.

2 The application was incomplete. On 18 February 2026 the Tribunal wrote to the Applicant requesting a copy of the lease or tenancy agreement. The Applicant did not respond. The Tribunal wrote again to the Applicant on 1 May 2026 and 4 August 2026 requesting she provide the information failing which the Tribunal would have no option but to reject her application.

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

Reasons for decision

4 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."*

5 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."*

6 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—*
(b) the application must be accompanied by—
(i) the lease or tenancy agreement, or if these are not available as much information about the tenancy as the applicant can give;
(ii) the notification referred to in paragraph (1)(a)(viii) and any subsequent correspondence relating to that notification;"

7 The Applicant has failed to provide a copy of the lease or tenancy agreement, or if not available as much information about the tenancy as she can give. 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 further information on three occasions. She 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.

8 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.

30 September 2026

Ruth O'Hare- Legal Member/ Chair _____ **Date**