



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/LA/21/3007

Parties

Mr Scott McIntyre (Applicant)

Belvoir Lettings Paisley (Respondent)

Tribunal Member: Jacqui Taylor (Legal Member)

The Tribunal rejects the application by the Applicant dated 25th November 2021 being an application under section 48 of the Housing (Scotland) Act 2014 to enforce the Letting Agent Code of Practice.

The Tribunal sent the Applicant an email dated 15th December 2021 in the following terms:

'1. Please send us a copy of your lease.

2. You have not completed the application correctly. It clearly states in Section 6: "... please set out in the space provided the relevant paragraph number(s) of the Code." You have indicated that your complaint is that the letting agent has not complied with sections 5 and 6 of the Code. We attach a copy of the Code. Section 5 includes paragraphs 73- 96 and Section 6 includes paragraphs 97-106. We attach the application form. Please amend section 6 of the application form to state which paragraphs of the Code you wish to include in your application.

3. Section 48 (4) of the Housing (Scotland) Act 2014 states that no application can be made unless the applicant has notified the letting agent of the breach of the code of practice in question. Please write to the letting agent, setting out in turn each specific paragraph of the code you believe it has failed to comply with, and setting out the reasons why you believe it has failed to comply with each of these paragraphs. We enclose a template notification letter relating to breaches of the code of conduct, which you may wish to use. Please send us a copy of your letter of notification, together with proof of sending, which may be a copy of a sent email, proof of sending by recorded delivery or a written acknowledgement from the letting agent. Please also send us any response you receive from the letting agent. You must allow the letting agent a reasonable period of time to respond to your letter. Please allow a period of 21 days for the letting agent to respond, and let us know if you have not received a response within that timescale.

4. Rule 95 (v) of the Tribunal Rules states that you must provide information as to any loss suffered by you as a result of the letting agent's failure to comply with the Code. It may be that you have suffered no financial loss but, if you have done so, then please provide the necessary information.'

The Tribunal asked the Applicant to provide the requested information by 12th January 2022. The Tribunal received a copy of the lease on 16th December 2021 but did not receive the other information.

The Tribunal sent a reminder to the Applicant dated 23rd December 2021 and requested the information by 13th January 2022. The Applicant has not provided all of the required information.

Accordingly the Tribunal have good reason to believe that it would not be appropriate to accept the application and reject the application in terms of rule 8 (1)(c) 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: 16th February 2022