



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/RN/22/3179

Parties

Mr Calum O'Neill (Applicant)

PFPC MMR 1 LP (Respondent)

5E Cocklerow Grove, Millerhill, Dalkeith, EH22 1FG (House)

Legal Member: Jacqui Taylor (Legal Member)

The Tribunal rejects the application by the Applicant dated 29th August 2022, being an application by the Landlord for determination of the rent in terms of section 28(1) of the Private Housing (Tenancies) (Scotland) Act 2016.

The Rent Officer sent the Applicant a letter dated 30th March 2022 advising the Applicant of the rent fixed for the Property. The rent determination was made in terms of section 25(1) of the Private Housing (Tenancies) (Scotland) Act 2016.

The said letter dated 30th March 2022 also stated 'Please note that if you disagree with the rent that I have set you should write to the First-tier Tribunal within **14 days of the date of this letter**. The First-tier Tribunal may confirm the rent set by me, increase or reduce it.'

The Application to the First tier Tribunal was dated 152 days after the date of the said letter from the Rent Officer. Section 28(2)(a) provides that an order under section 25(1) may not be appealed against more than fourteen days after the order was made.

As the application to the First-tier Tribunal was not submitted timeously 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

J Taylor

.....Legal Member Date: 10th October 2022