



Summary of Work of the Housing and Property Chamber

1 April 2024 – 31 March 2025



1. Foreword by Chamber President

During 2024-25 the Chamber saw a 13% increase in applications compared to the level of applications received in 2023-24. This is the highest annual volume of applications received to date. There were significant increases in the volumes of eviction, right of entry, rent determination and property factor applications. Changes in housing legislation in recent times relating to evictions have impacted on the complexity of cases being determined by the Chamber. The rising application volumes have put a strain on the Chamber's resources which has resulted in an increase in the time taken for applications to proceed to determination.

However, despite the challenges faced by the Chamber, thanks to the hard work of the tribunal judiciary and SCTS staff, 8% more cases were closed in the year from 1 April 2024 to 31 March 2025 than during the previous year, which is a very positive outcome. My thanks go to them for their commitment and to parties to proceedings for their patience.

This summary provides details of the types of cases which are heard by the Housing and Property Chamber; the procedure the chamber applications follow; and, as with previous years, statistical information for the reporting year, which for this report is 1 April 2024 to 31 March 2025.

I hope this summary will be of interest.

Aileen Devanny
Chamber President

2. Introduction

For the third year in a row, the Housing and Property Chamber (“the Chamber”) saw a sizeable rise in application numbers, which again reached their highest levels to date. A total of 5748 applications were received, a 13% increase on the previous year. There were significant increases in eviction, property factor, right of entry and rent assessment application volumes. Despite this, the Chamber succeeded in closing 8% more applications than in the previous year. This is a testament to the hard work and commitment of the tribunal members who determine them and the Scottish Courts and Tribunals Service (SCTS) administrative staff who process the applications received.

Once again, further changes to housing legislation impacted on the complexity of cases being determined by the Chamber. Tribunal members were again required to keep up to date with these changes during the year when considering cases.

The temporary changes introduced by the Cost of Living (Tenant Protection) (Scotland) Act 2022, which had been extended several times, finally expired on 1 April 2024. The delay in enforcement of evictions (except in certain specified circumstances) came to an end, as did some temporary eviction grounds and temporarily increased damages for unlawful eviction. These changes may at least partly explain the increase in eviction applications during the year.

Following the expiry of the rent cap provisions, a temporary rent cap was in place during the year, from 1 April 2024 onwards¹. The new provisions temporarily amended the process of rent adjudication where most tenants could refer a proposed rent increase to a Rent Officer or to the Chamber for consideration. A tapering approach was introduced in order to protect tenants from the sharp increases in rent that some could experience if rents moved back to market level in one step, whilst allowing rent increases that support landlords to continue to invest in their rental property.

While the number of rent assessment applications received during the year remained low, there was more than a six-fold increase on the previous year’s figures. This is likely to be the result of the temporary rent cap, combined with the Scottish Government’s “Know your renting rights” awareness campaign for tenants. The latter, which is primarily focused on rent increases and the rent adjudication process, was launched shortly before the temporary rent cap ended. Training on rent assessment was provided to legal members who had no previous experience in this jurisdiction in October and November 2024, in anticipation of an increased volume of applications.

While most case management discussions (CMDs) continued to be held by teleconference, there was a continued move towards in-person evidential hearings. These were held mainly in

¹ [The Rent Adjudication \(Temporary Modifications\) \(Scotland\) Regulations 2024](#)

relation to property factor, letting agent and repairing standard applications. These can be very complex and can involve considerable paperwork, group applications and / or multiple witnesses.

3. The Chamber jurisdictions

The Housing and Property Chamber (HPC) has a very wide jurisdiction, covering 50 different application types. These involve the application of at least 12 different statutes. The law relating to private tenancies is particularly complex, being contained in numerous statutes and having evolved through case law. Cases involving property factors often raise complex issues of property law, as well as agency law and consumer law, among other areas of law.

There are six main categories of application within the HPC jurisdiction, as described below.

1. *Private rented sector applications*

On 1 December 2017, the sheriff's jurisdiction for civil cases relating to the private rented sector (PRS) was transferred to the HPC. A new private residential tenancy regime was introduced on the same date, and the HPC provides the dispute resolution mechanism for issues arising from these new tenancies. The private rented sector jurisdiction deals with a wide range of private rented tenancy issues. Since its introduction, it has been by far the biggest jurisdiction in terms of case volumes.

The three biggest categories of PRS application in terms of volume are:

1. *Eviction* and recovery of possession.
2. *Civil proceedings* seeking payment orders.
3. *Tenancy deposit applications* seeking payment orders for monetary sanctions in respect of a failure to comply with tenancy deposit regulations and/or provide required information.

Other categories of PRS application include:

- drawing up the terms of a tenancy
- provision of a written tenancy agreement
- landlord registration appeals
- letting agent registration appeals
- requirements for disabled adaptations for private rented properties
- damages for unlawful eviction
- wrongful termination orders
- recovery of unlawful premiums and loans
- appeals against rent penalty notices issued by a local authority.

2. *Repairing standard applications*

Under the Housing (Scotland) Act 2006, private rented sector tenants can apply to the Chamber to seek to compel their landlord to carry out necessary repairs to ensure that their property meets the statutory “repairing standard”. This standard has been extended to include the tolerable standard test, and holiday lets of over 31 days’ duration. Third parties (i.e. local authorities) can also make applications, in the same way as a tenant.

3. *Homeowner (Property Factor) applications*

Under the Property Factors (Scotland) Act 2011, homeowners can bring an application to the Chamber regarding a dispute with their property factor under either or both of two possible grounds:

1. that the property factor has failed to carry out its duties as a property factor in relation to the management or maintenance of land
2. that the property factor has failed to comply with the statutory code of conduct for property factors.

4. *Landlord (Right of entry) applications*

Private landlords can apply for assistance in exercising their right of entry to tenanted property to view the state and condition of the property and/or to carry out works to meet the requirements of the repairing standard under the Housing (Scotland) Act 2006.

5. *Rent assessment applications*

Under the Rent (Scotland) Act 1984, both landlords and tenants can appeal against rents registered by Rent Officers in relation to regulated tenancies, and seek a determination of a fair rent for their property.

Under the Housing (Scotland) Act 1988, the HPC can consider, in relation to assured and short assured tenancies:

- (a) Appeals by tenants against the level of rents set by landlords and can decide a market rent for such properties in accordance with that Act, and
- (b) Appeals by landlords or tenants where the other party has proposed a review of the terms of the tenancy.

Under the Private Housing (Tenancies) (Scotland) Act 2016, the HPC can consider appeals

against the level of rent set by the rent officer in relation to a private residential tenancy. Following the expiry of the rent cap provisions, a temporary rent cap was in place during the year, from 1 April 2024 onwards.

6. *Letting agent applications*

On 31 January 2018, the registration of letting agents became compulsory, and compliance with a statutory code of practice for all registered letting agents became mandatory. Since that date, tenants, landlords and Scottish Ministers have been able to apply to the HPC where there is a dispute over compliance with the letting agent code of practice.

4. The HPC's approach

While HPC proceedings are legal proceedings, the tribunal takes a more inquisitorial approach, rather than the adversarial process which exists in the courts. The process is designed to be accessible to parties, many of whom, whether landlords or tenants, are unrepresented.

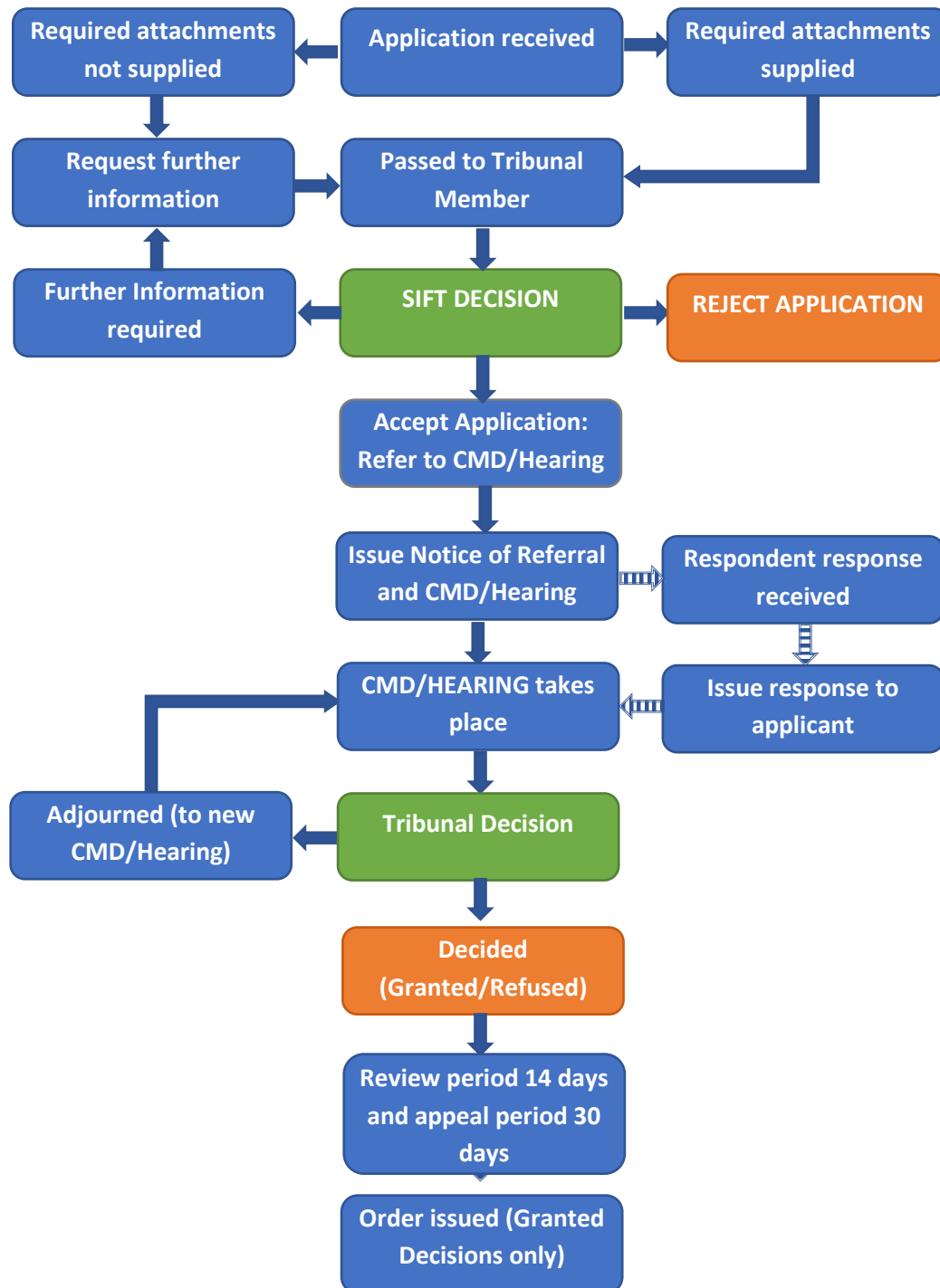
Guidance on the application process is available on the HPC website. The application can be made on a form which can be downloaded from the website and contains prompts on the required information and attachments. HPC staff are not legally qualified and cannot give case specific legal advice, but they can signpost parties to information about procedure on the HPC website.

Because the approach is more inquisitorial, the tribunal may on its own initiative make inquiries into issues which are considered relevant at each stage of the tribunal process. At the initial sifting stage, additional information will often be requested from the applicant, rather than rejecting an incomplete application. The tribunal judge (legal member) who carries out the sifting role will consider whether the application as presented has no possibility of success and, if so, will reject it. At the case management discussion (CMD) or the hearing, the specialist tribunal will ask more questions of the parties than the courts would typically do. Tribunals will raise legal points not raised by the parties if relevant to the competency of the application. The procedure is typically less formal than the courts and this means that there may be less need for parties to be represented, although tribunal judges cannot provide legal advice to the parties and must remain independent and impartial. While the HPC has an enabling approach, it still involves the application of often complex housing and property legislation.

5. The HPC process

The process followed by the HPC once an application is received is outlined in the flowchart on the next page. The key stages are explained in more detail on the following pages.

HPC Process Flowchart



Key stages of the process

i. Initial check on receipt of application

When an application is made, it must meet the requirements prescribed by the relevant HPC procedure rule. The application first goes through a process where a tribunal judge (legal member) must decide whether it meets the prescribed requirements for that type of application. When they are first received, applications often fail to meet the prescribed requirements. Required attachments may be missing, while other information relating to the pre-application procedures or other essential information to make out the case may not be included. In property factor, letting agent and repairing standard cases, it is not unusual for applicants to have failed to notify the other party of their complaints in sufficient detail to give them fair notice, as required by the relevant legislation.

One approach to dealing with this could be to reject the application and send it back to the applicant. While this may keep down the HPC's timescale for the end-to-end process, it would be frustrating for applicants, many of whom are individuals without legal representation². Moreover, the HPC is an enabling body, and to return applications which are defective would not be consistent with that approach. Therefore, the HPC instead engages in correspondence with the applicant, explaining the information required or additional documents needed. If after a reminder for information, the applicant has still not provided the information sought (normally at least several weeks after the application was received), the application will be rejected.

ii. Sifting stage

Once an application meets the prescribed requirements, it goes through a sift to check whether it should be referred to a tribunal. The sift involves an assessment by the legal member of whether the application is so fundamentally flawed that it has no prospect of success and should be rejected. This is a high bar. During the year reported on, 12% of all applications disposed of were rejected, generally because either they did not meet this test or they did not meet the prescribed requirements, often after a request for information.

iii. Referral to CMD or hearing

Once accepted, private rented sector (PRS) applications generally go to a case management discussion (CMD) in the first instance. A CMD is an opportunity to consider aspects of the case that may require to be dealt with in order to resolve the dispute efficiently. Then, if the facts

² In fact, as noted in section 8 of this report, most applicants are unrepresented in all types of application other than eviction and right of entry applications.

are disputed or the tribunal has a discretionary decision to make, the application will go to an evidential hearing³. A final decision on the application can be made at the CMD.

For eviction applications, temporary changes initially introduced during the coronavirus pandemic have been made permanent. Grounds of eviction which were formerly mandatory are now discretionary, and the tribunal must now consider the reasonableness of making an eviction order in each case. All eviction applications are therefore referred to a two-person tribunal, comprising a legal member and a specialist (ordinary) member with housing or property expertise.

Most other types of PRS applications- such as tenancy deposit applications and civil proceedings applications without an accompanying eviction application - are usually referred to be dealt with at a CMD by a legal member sitting alone.

Repairing standard, property factor and letting agent cases can be more complex and take longer to complete than most PRS cases. These types of cases generally remain with the same tribunal members throughout the process.

In repairing standard and rent assessment cases, an inspection is carried out by the tribunal in person. This is usually followed by a hearing which takes place shortly after the inspection at a venue located close to the property, although in some cases the hearing may be held by teleconference.

A CMD is normally scheduled in the first instance in property factor and letting agent cases with two allocated members before a hearing is arranged. These cases can be complex and often involve large volumes of productions. The CMD is intended to assist with case management and allow an opportunity for directions to be issued by the tribunal. It also allows parties to focus on the areas of dispute to ascertain whether any informal resolution is possible. All CMDs are conducted by teleconference unless the tribunal requests otherwise.

Hearings are held in person as a matter of course in these cases, unless the tribunal advises otherwise in the interests of fairness. In a small proportion of cases, CMDs and hearings are conducted by videoconference, where the legal member considers that this is necessary to deal with the application fairly and justly.

A considerable amount of forward planning is required in advance of a videoconference to ensure that the CMD or hearing runs smoothly on the day. It is also dependent on the availability of computer equipment and connectivity for the participating parties, as well as on the parties' views. It is unlikely for the foreseeable future that videoconference hearings will be

³ Note: in a very small proportion of applications, the tribunal makes a decision on the basis of the parties' written submissions without a hearing, in terms of Rule 18 of the [Chamber's Procedure Rules](#). During the reporting period, four applications were decided on this basis, all in third party repairing standard cases.

available for all cases of the Chamber, given the pressures which currently exist on the SCTS digital support team.

iv. Decision by the tribunal

The HPC's role generally ends with the tribunal issuing a final determination and /or an order, unless a review request, recall application or permission to appeal request is received. As with the courts, the HPC has no role in the enforcement of payment or eviction orders, which is the responsibility of the successful party.

The language used in HPC decisions is typically less legalistic than in court judgments. If the matter involves complex legal issues, however, the explanations need to be sufficiently robust for appeal purposes and will involve discussions on the law.

v. Further decision on compliance

Where an enforcement order is issued in the repairing standard, property factor and letting agent jurisdictions, the tribunal has a further role in deciding whether the order has been complied with within the timescale set out in the order. It is a criminal offence to fail to comply with a Repairing Standard Enforcement Order, Property Factor Enforcement Order or Letting Agent Enforcement Order. The HPC therefore reports such failures to the police for prosecution, and it is for the prosecuting authorities to decide whether cases should proceed to court.

The tribunal is also required to serve notice of the failure to comply on the local authority in repairing standard cases, and on Scottish Ministers in property factor and letting agent cases. It is then for the relevant registration body to decide whether further action should be taken in light of these decisions. If, in the course of proceedings, it becomes apparent that a party should be registered as a landlord, letting agent or property factor but that no such registration is in place, the tribunal will refer the issue to the appropriate registration body. Any further action based on this information is a decision for the registration body.

6. Open justice and transparency of HPC proceedings

The Chamber aims to be as transparent as possible in how it conducts its processes. All forthcoming hearings are advertised on the HPC website due to the interest which surrounds some cases, and members of the press and observers can and do attend. Arrangements are made for observers to attend CMDs and hearings, whether these are conducted in person, by teleconference or by videoconference, where this is requested. Guidance for observers on what to expect and points to be borne in mind when attending a CMD or hearing is available on the Chamber's website.

All HPC decisions and statements of reasons for those decisions are published on the HPC website and are therefore publicly available. The Chamber also publishes a detailed statistical

report about its work each year, including detailed information about case volumes across its various jurisdictions and its processes. The report also includes details of representation levels, tribunal members, appeal requests, successes during the year, and other information which may be of interest to those involved in tribunal proceedings, as well as policymakers, researchers and the wider public.

7. Overall case volumes during the year

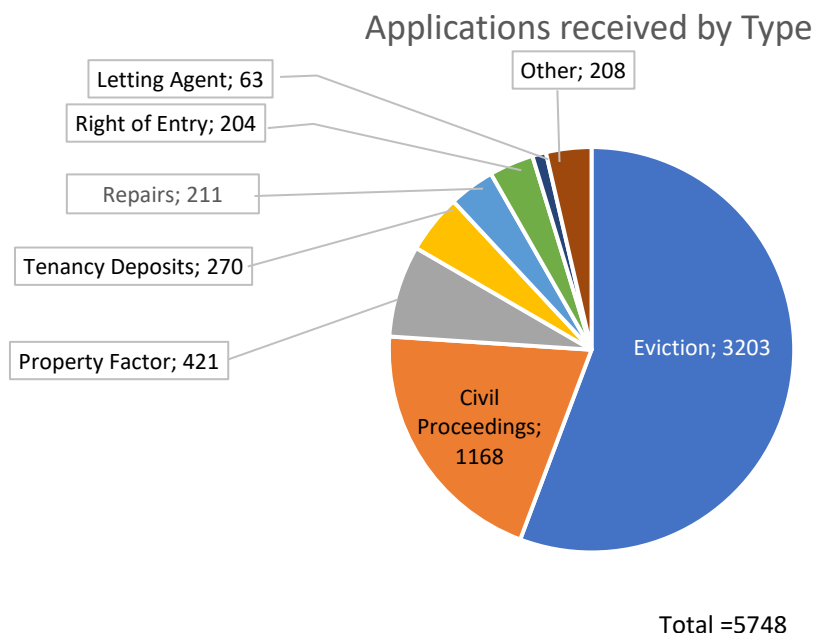
A total of 5748 applications were received during the reporting year. This was a 13% increase on the level of applications received in 2023-24, resulting in the highest annual volume of applications received to date.

A breakdown of applications dealt with during the year is shown below. The brought forward/carried forward figures reflect the ongoing nature of cases.

Applications	Brought forward	Received	Closed	Carried forward
Totals	3013	5748	4773	3988

Applications received - overview

A breakdown of the categories of application received is shown in the chart below.



The vast majority (83%) of applications received were once again within the private rented sector jurisdiction. As in previous years, most of these were eviction applications (3203), which again accounted for the majority (56%) of all applications received. As in 2023-24, the level of

eviction applications was higher than in the previous year. The application volumes increased by 19% compared with 2023-24.

Civil proceedings applications (1168) again accounted for the second highest proportion of applications received, despite a slight (3%) decrease on the previous year's figure. As in the two previous years, these figures demonstrate that most eviction applications were not accompanied by a civil proceedings application. Such an application is often submitted with an eviction application made on rent arrears grounds. As discussed in more detail in section 7 of this report, the available figures suggest that as in 2023-24, a high proportion of applications were brought either on the grounds that the landlord intends to sell the property or that a short assured tenancy has reached its end date.

As in the previous year, property factor applications (421) accounted for the third biggest category of receipts. For the third year in a row, numbers rose significantly on the previous year. There was a 39% increase on the 2023-24 figure bringing the number of applications to their highest ever level. They accounted for 7% of all applications.

Repairing standard cases, on the other hand, were down on the previous year's figure. There were 211 applications, a 29% drop from the previous year. These applications accounted for only 4% of the total.

Tenancy deposit applications for an order for payment of a sanction where the landlord has failed to comply with the duty to pay a tenancy deposit into an approved scheme accounted for 5% of applications (270). This was a 14% increase on the previous year.

The number of right of entry applications (204) increased by over a third (35%) on the previous year, accounting for 4% of all applications. Letting agent applications remained low at 63, a 16% decrease on the 2023-24 figure. They accounted for around 1% of applications. While rent assessment applications remained fairly low at 83, this was more than six times the previous year's figure (13). There were 125 "other" private rented sector applications of various types.

Applications closed during the year

A total of 4773 applications were closed during the year, 8% more than in 2023-24. Despite this - perhaps unsurprisingly, given the higher volume of applications received - 32% more applications (3988) were carried forward into 2025-26 than in the previous year.

Rejected and withdrawn applications

Of the 4773 applications closed during the year⁴, a total of 556 (12%) were rejected⁵. A

⁴ Note: this figure relates to applications closed during the year, rather than applications received.

⁵ The grounds for rejection are contained in Rule 8 of the [Chamber's Procedure Rules](#) (SSI 2017 No 328). "Vexatious" is taken to mean habitually and persistently instituting proceedings without any reasonable grounds, usually with an improper motive. "Frivolous" has been interpreted as applying to an application made in good faith

breakdown of the reasons for rejection of these applications is shown in the table below.

The applications rejected include those where a legal member considered during the sifting stage that the application had no legal merit (i.e. was “frivolous”) and could not succeed, or that it was so fundamentally flawed that it could not succeed and it was not appropriate to accept e.g. the correct pre-application notice procedure was fatally flawed, or it was not a legally competent application. In keeping with the overall application numbers, half of all applications (278 or 50%) which were rejected were eviction applications, with the remainder spread across most other application types.

Rejected applications

Reason for rejection	Number
Frivolous or vexatious	126
Not appropriate to accept	415
Made for a purpose other than that specified in the application	14
Identical or substantially similar application	----
The dispute has been resolved	1
Total	556

Almost four in ten of all applications closed during the year (1873 or 39%) were withdrawn by the applicant at some stage of the proceedings, mostly after they were accepted for determination at the sift and referred to a tribunal. This is an increase in the rate of withdrawals compared with the previous year’s figure of 32%.

Most (1306 or 70%) of the applications withdrawn were eviction applications, while a further 14% (254) were civil proceedings applications. The remainder were spread across most other application types.

There is no requirement to state the reason for withdrawing an application. For the majority (1448 or 77%) of withdrawals, the reason recorded was that the dispute has been resolved by the parties. No reason was given for 23% of withdrawals (424)⁶. Whatever the reason recorded for the withdrawal, it is the experience of tribunal members that in many eviction cases it is due to the tenant having vacated the property after the application was made.

but which is “futile, misconceived, hopeless or academic’ per Lord Bingham (as Lord Chief Justice) in R V North West Suffolk (Mildenhall) Magistrates Court [1998] Env LR 9 at page 16

⁶ The reason for one withdrawal was recorded as being because the tenant had vacated the property

CMDs and hearings held during the year

A total of 3953 hearings and CMDs were held during the year. Of these, 2891 were CMDs and 1062 were hearings⁷. An application can be determined either at a CMD or a hearing.

Most CMDs continued to take place largely by teleconference call, with tribunal members, parties and clerks participating remotely. There was a continued move towards in-person evidential hearings, mainly in relation to property factor, letting agent and repairing standard applications.

A total of 334 CMDs and hearings were held in person during the reporting year. Of these, more than four in ten (42%) were in property factor cases. The remainder were accounted for by repairs and rent assessment applications (28%), PRS applications (including evictions) (27%), and letting agent applications (3%).

In-person hearings are now the norm in property factor, repairing standard, letting agent and rent assessment cases, as they were prior to the coronavirus pandemic. They may be arranged in other case types where the legal member considers this is necessary to deal with the application fairly and justly. This may happen where there would be challenges involved in holding the hearing by teleconference or videoconference – where, for example, an interpreter is required, and parties also wish to call a number of witnesses. A hearing in person may also be arranged whether this is requested by the parties.

A total of 108 applications were heard by videoconference during the reporting year⁸. The majority of these (69%) were private rented sector cases, while 24% were property factor cases and the remaining 7% were letting agent applications.

Work done during the year

The figures discussed in section 7 below for each category of application relate to:

- 1) the applications received during the year
- 2) the outcomes for those applications which were closed during the year⁹.

It should be noted, however, that a significant proportion of the Chamber's work involves managing the progress of ongoing applications which may not reach a final conclusion during the year. An application may be processed in one reporting year, for example, but it may not

⁷ Note: the figure for hearings includes property inspections and re-inspections carried out by a tribunal

⁸ Note: the number of applications dealt with by videoconference does not directly correlate with the number of videoconference hearings, as some of the hearings involved two or more conjoined applications.

⁹ Note: in property factor, repairing standard and letting agent applications, there may not be a *final* outcome during the same year. Where the tribunal issues an enforcement order in such cases, a final decision on whether the relevant party has complied with that order may not be made until a later date.

reach a CMD or hearing until the following year. Moreover, an application received in the previous reporting year may have been closed during the current year.

An application may be dealt with at several CMDs and / or hearings. These may also be postponed / adjourned on one or more occasions for a variety of reasons. This can involve a significant amount of work for both the tribunal judges and the HPC administration.

8. Applications received and case outcomes by case type

i. Evictions

A total of 3203 applications were received, again comprising the majority (56%) of all applications received¹⁰.

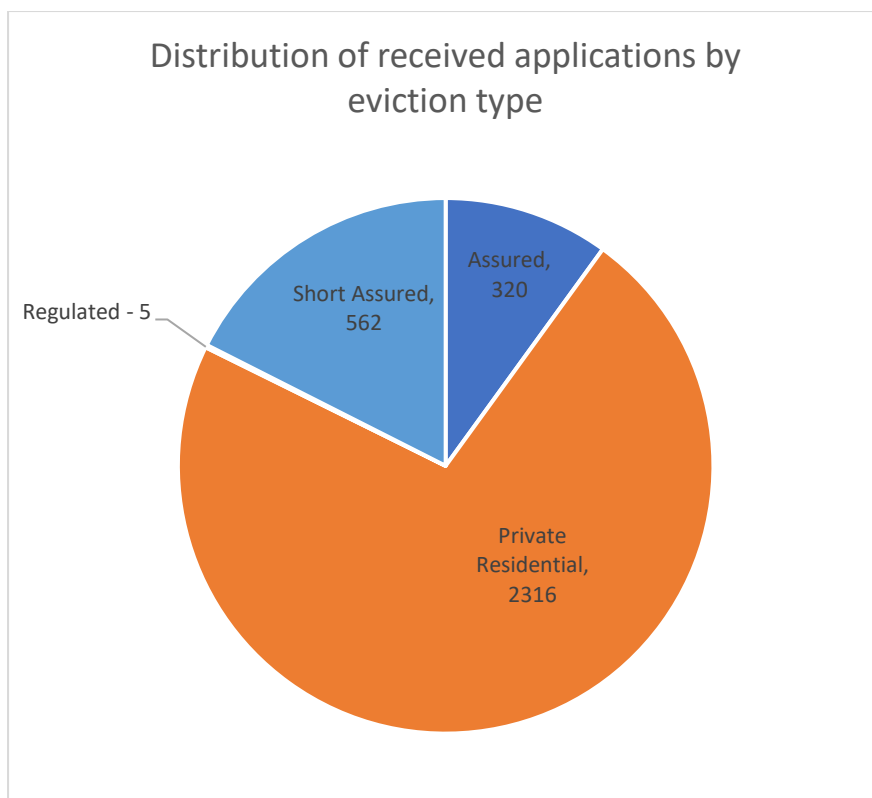
As in the previous year, the majority of eviction applications involved private residential tenancies, which were introduced on 1 December 2017. As might be expected, these are gradually becoming more prevalent. During the year these accounted for 72% of all eviction applications received (as against 70% in 2023-24 and 68% in 2022-23).

There was a corresponding slight decrease in the proportion of applications relating to assured and short assured tenancies¹¹, and regulated tenancies, which taken together made up the remaining 28% of applications¹².

¹⁰ In 2023-24, eviction applications accounted for 53% of all applications received.

¹¹ Note: the figure shown in the chart for assured tenancies includes applications relating to short assured tenancies under rule 65 of the Tribunal Rules i.e. where the ground for eviction is something other than termination of the short assured tenancy under rule 66. Those shown separately as short assured tenancies are rule 66 applications

¹² Note: There were only 5 applications relating to regulated tenancies, half the number received in the previous year.



Total received =3203

Grounds stated in applications

During the reporting year, efforts were made to record data on the grounds on which eviction applications were brought. This was not a straightforward task for several reasons, including the fact that in some instances more than one ground is included in the application, but either the entire application or some of the stated grounds may not continue to a determination.

Sufficient data has been obtained, however, to suggest that in private residential tenancy evictions, applications brought on the ground that the landlord intends to sell the property (ground 1) were equally as common as those brought on rent arrears grounds (grounds 12 and 12A) during the reporting year¹³. After these two categories, the other grounds on which applications were most commonly brought were a landlord intends to live in property (grounds 4 and 4A¹⁴), breach of tenancy agreement (ground 11), landlord's family member intends to live in property (ground 5) and landlord intends to refurbish (ground 3).

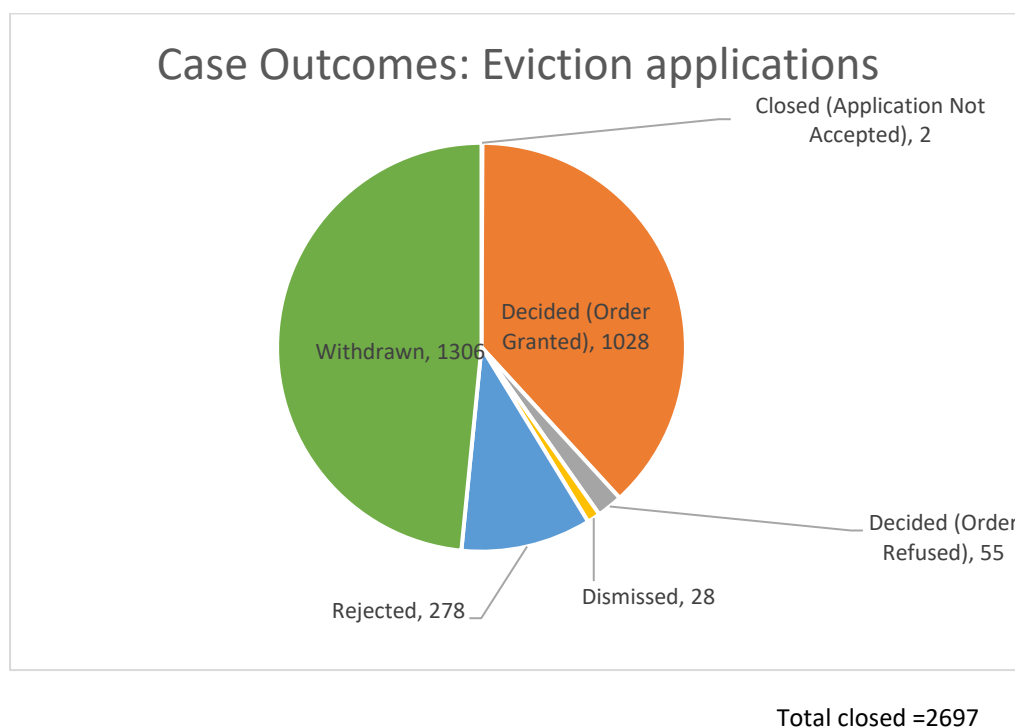
¹³ Note: Ground 12A (substantial rent arrears) was a temporary provision introduced by the Cost of Living (Tenant Protection) (Scotland) Act 2022, which expired on 31 March 2024. Applications received on this ground during the reporting year would follow service of a notice to leave before that date.

¹⁴ Note: Ground 4A (Landlord intends to live in property to alleviate financial hardship) was a temporary provision introduced by the Cost of Living (Tenant Protection) (Scotland) Act 2022, which expired on 31 March 2024. Applications received on this ground during the reporting year would follow service of a notice to leave before that date.

The most common grounds used in assured tenancy evictions, where there is no equivalent to ground 1, also related to rent arrears¹⁵. A total of 16% of all eviction applications brought during the year were on the ground that the short assured tenancy has reached its end date (rule 66). While this is a slightly lower proportion of eviction applications than in the previous year, the actual number of these applications was noticeably higher than in 2023-24 (562 as against 503). This seems surprising given that there are fewer of these tenancies in existence with each passing year. The experience of tribunals is that in many of these cases, applicants stated in their application that they intended to sell the property.

Case outcomes

The chart below shows the outcomes for 2697 eviction applications which were closed during the year.



As in the previous year, more than half of eviction applications were either rejected or withdrawn. A total of 278 applications (10%) were rejected, while almost half (1306 or 48%) were withdrawn by the applicant at some stage of the process.

For 81% (1053) of withdrawn applications, the reason given was that the matter had been resolved. It is likely that in many of these cases, this was because the respondent had vacated the property voluntarily prior to the CMD or hearing. Although no reason was stated for the remaining 253 withdrawals, it is likely that in some cases, the applicant reconsidered the

¹⁵ Grounds 11 and 12. This includes short assured tenancies where the application was brought under rule 65. Note: the former main rent arrears ground (ground 8) was repealed by the Coronavirus (Recovery and Reform) (Scotland) Act 2022 on 1 October 2022.

situation and/or negotiated matters with the respondent.

Of the eviction applications which did proceed to a tribunal determination at a CMD or hearing (1111), an eviction order was granted in the vast majority of cases (1028 or 93%). An eviction order was refused in 5% of cases (55), and the remaining 2% of applications (28) were dismissed, either because one party had failed to co-operate with the tribunal or to comply with a case management order or because the tribunal considered that it did not have jurisdiction.

ii. Civil proceedings

A total of 1168 civil proceedings applications were received during the year, representing the second largest proportion of applications received. Civil proceedings applications can be brought in relation to any monetary dispute between landlord and tenant. They typically involve landlords seeking recovery of unpaid rent, and sometimes also the costs of rectifying alleged damage to the property at the end of a tenancy.

These applications can, however, be made for other reasons, and may also be brought by a tenant against a landlord. Examples might include an application for recovery of a tenancy deposit which has not been returned, or compensation for alleged damage caused to the tenant's belongings due to the poor condition of the let property.

Civil proceedings applications again accounted for a lower proportion of all applications (20%) than in the previous year (24%) and the year before that (28%). While this was again mainly due to a sizeable increase in eviction applications, the actual number of civil proceedings applications was again slightly (3%) lower than in 2023-24. Given that the level of eviction applications (3203) received was 19% higher than in the previous year, it is therefore clear that again most eviction applications were not accompanied by a civil proceedings application.

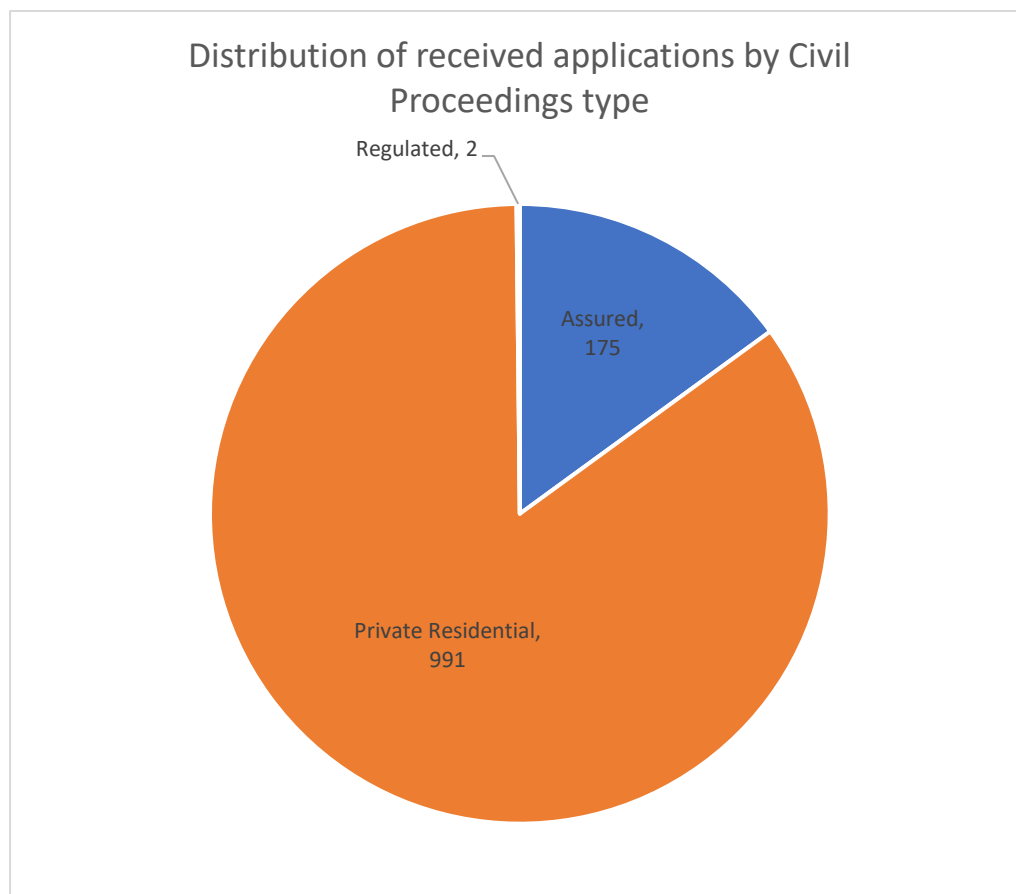
One likely reason for this is the continued high level of eviction applications being brought on ground 1. It is also the experience of tribunals, however, that more eviction applications are being brought on rent arrears grounds without an accompanying application for payment of the outstanding rent arrears. One explanation for this might be that applicants have decided it is not worth seeking a payment order because they consider they are unlikely to recover the money owed.

As in previous years, a sizeable proportion (168 or 14%) of civil proceedings applications were served on the respondent by the tribunal using service by advertisement on the HPC website, rather than by sheriff officer. This method is used where an applicant is unable to trace the respondent's current address. While this method of service was also used in 57 eviction applications and smaller numbers of tenancy deposit (25) and other private rented sector applications (1), it remains most common in civil proceedings applications. This generally happens where the tenant has left the property but still owes the landlord unpaid rent. There

may also be a claim in some cases for damage alleged to have been caused to the property by the tenant.

There is no limit on the amount of money that can be claimed in civil proceedings applications. These can involve substantial sums, which can often significantly exceed the ordinary cause threshold of £5000 in the sheriff court. As rents continue to increase, it can take a relatively short period of time for arrears to mount up into many thousands of pounds. A number of payment orders have been issued by tribunals for over £40,000 and even exceeded £50,000 in at least one case.

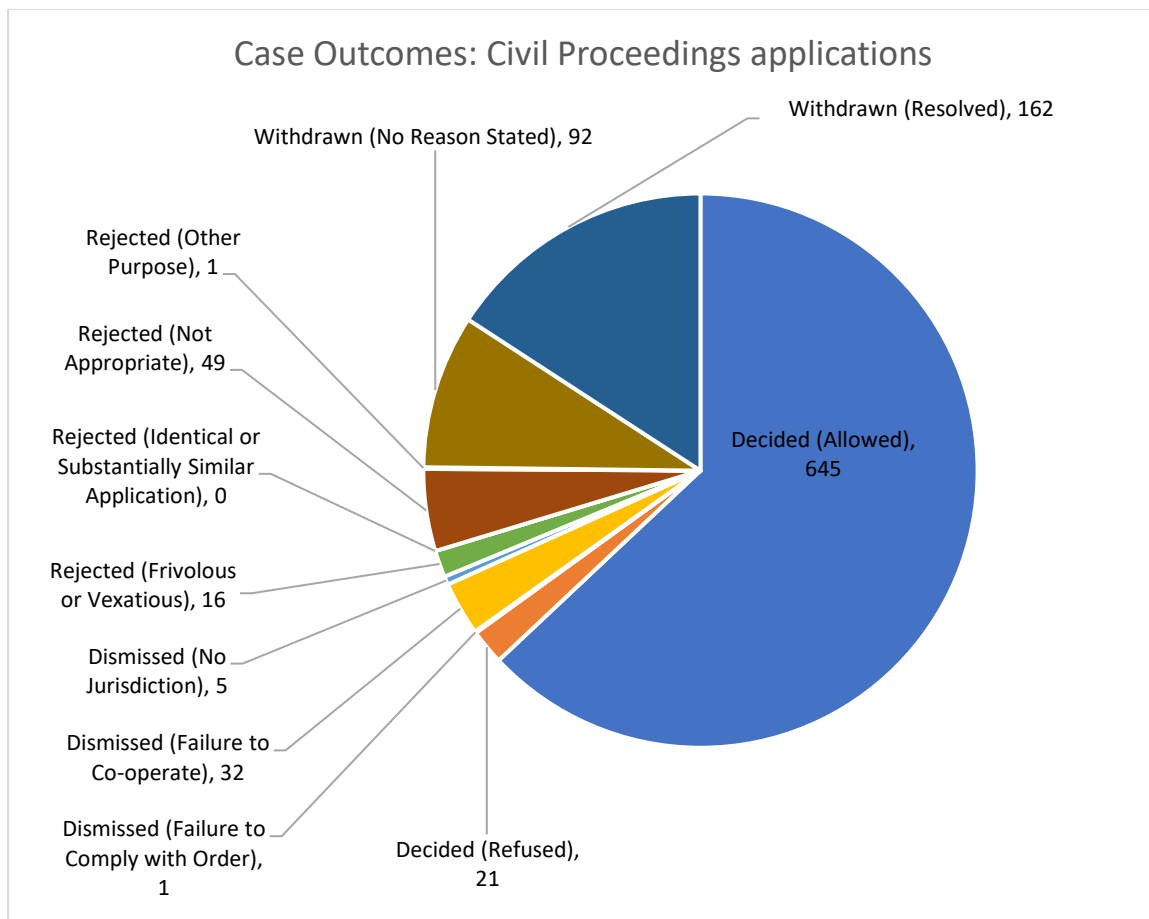
As expected, the proportion of civil proceedings applications involving private residential tenancies again increased during the year. These accounted for 85% of applications, compared with 82% in the previous year and 79% in 2022-23. The remaining 15% (177) relating to assured/short-assured (175) or regulated tenancies (2).



Total= 1168

Case outcomes

The chart below shows the outcomes for 1024 civil proceedings applications which were closed during the year.



Total closed= 1024

A total of 66 applications (6%) were rejected, and 254 (25%) were withdrawn. The reason stated for withdrawal in 162 (64%) of these applications was that the matter had been resolved, while no reason was given for the other 92 withdrawals. As in the previous year, withdrawals were less common than in eviction applications. While this is at least partly because eviction applications are often withdrawn because the tenant has vacated the property, it may also be because applicants often continue to pursue respondents for outstanding rent arrears and/or damages after they have left the property. Nevertheless, these figures suggest that in a sizeable proportion of cases, the parties may have negotiated and/or resolved the matter prior to the CMD or hearing.

As in previous years, an order was granted in the vast majority (645 or 92%) of the 704 applications which were determined by a tribunal. Of the remaining 8% of applications (59), an order was refused in 21 cases and 38 were dismissed, either due to a failure by the applicant to co-operate or because the tribunal did not have jurisdiction.

Time to pay applications

All respondents in payment order applications are sent an application to seek a time to pay direction under the Debtors (Scotland) Act 1987. These applications allow a respondent who admits they owe the debt claimed to ask the tribunal to allow them to pay the sum owed either

by instalments or as a lump sum at a later date. As in the two preceding years, few respondents took up this option during the year. A total of 34 applications for a time to pay direction were disposed of during the year. Of these, a time to pay direction was granted in 13 applications. All of these involved payment by instalments. Another remaining 13 applications (all of which sought payment by instalments) were refused. No decision was made on the remaining eight applications during the reporting year.

iii. Property factor applications

Property factor applications were again the third biggest category of applications received. There were 421 property factor applications, constituting 7% of all applications received.

For the third year in a row, numbers rose significantly on the previous year. There was a 39% increase on the figure for 2023-24, bringing the number of applications to their highest ever level.

During the year, 46 groups of multiple applications from different homeowners within a development or tenement were received. This compares with 63 groups in the previous year, and 66 in the year before that. Group applications received totalled 225 applications overall, accounting for 53% of all property factor applications. While this is similar to the proportion of group applications in the previous year, the overall number of group applications was 38% higher than in 2023-24.

While as in the previous year, most of the groups (36) involved only two applications, it is notable that there were several much larger groups than in 2023-24. These included a group of 41 applications, a group of 37, a group of 18, two groups of 12 and one group of 10 applications. The remaining groups numbered between 4 and 8 applications. These larger groups appear to account for the overall increase in property factor applications in the reporting year. Where possible, multiple applications are grouped together and heard on the same day by the same tribunal to ensure efficiency, although this can result in longer and more complex hearings.

As in previous years, the vast majority (95%) of applications involved commercial property factors, while 3% (12) concerned housing associations¹⁶ and 2% (9) involved local authorities¹⁷.

The vast majority of the applications received (390 or 93%) concerned residential factoring, as in previous years. The remaining 7% (31) were categorised as land management complaints.

More than six in 10 applications (61%) included a complaint that the property factor had failed to carry out its property factor's duties under the 2011 Act. This was a noticeably lower proportion than the 75% of applications in the previous year.

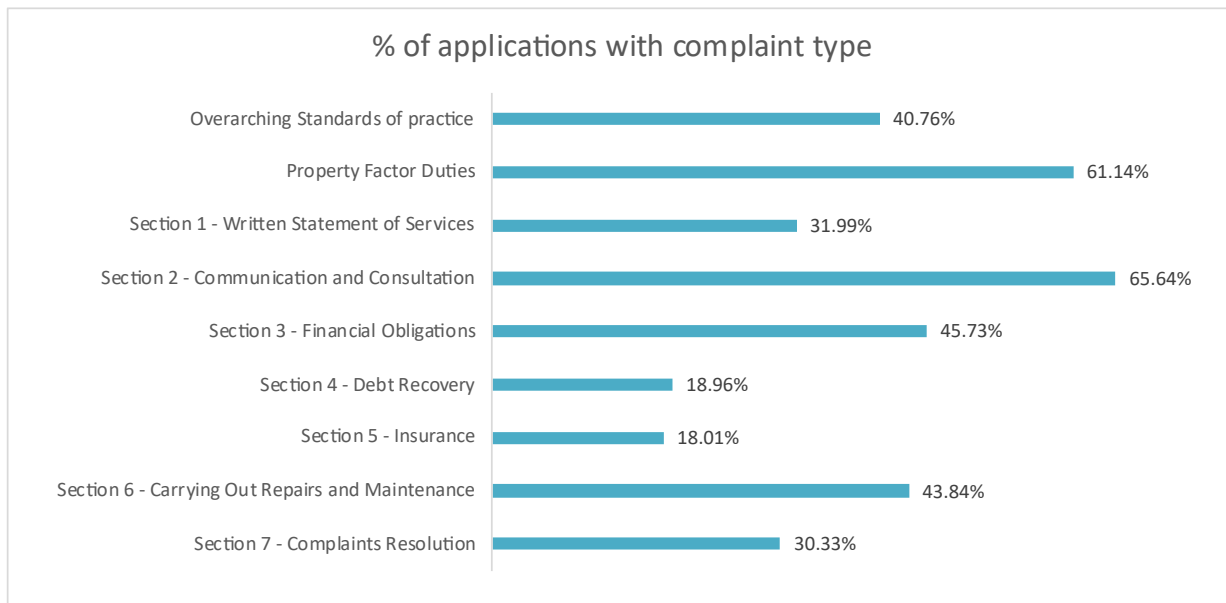
As in previous years, the most common category of complaints under the code of conduct concerned communication and consultation (66% of all applications). The next most common

¹⁶ Or their subsidiaries.

¹⁷ Note: the percentages here have been rounded up or down to add up to 100 for simplicity

categories of complaint related to financial obligations (46%) and carrying out repairs and maintenance (44%).

Complaints relating to complaints resolution were noticeably lower than in previous years, at 30% compared with 49% in 2023-24¹⁸. This may indicate that property factors are improving the way in which they handle complaints.

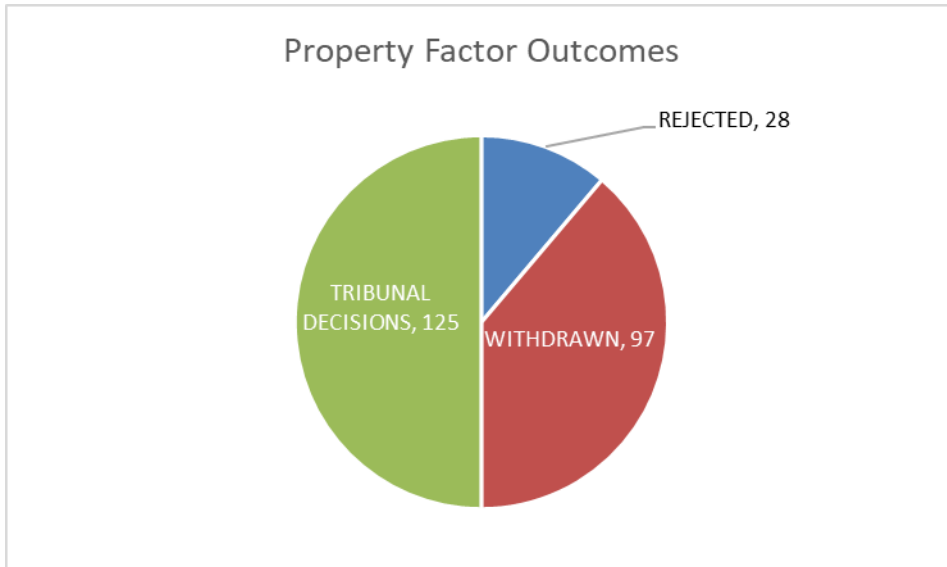


Case outcomes

The chart below indicates the case outcomes for 250 property factor applications which were closed and/or decided by a tribunal during the year. 'Decided' means a decision was made about whether the property factor had complied with the code of conduct and/or the property factor's duties¹⁹.

¹⁸ Note: most applications involved more than one complaint, and many included complaints under several different sections of the code of conduct.

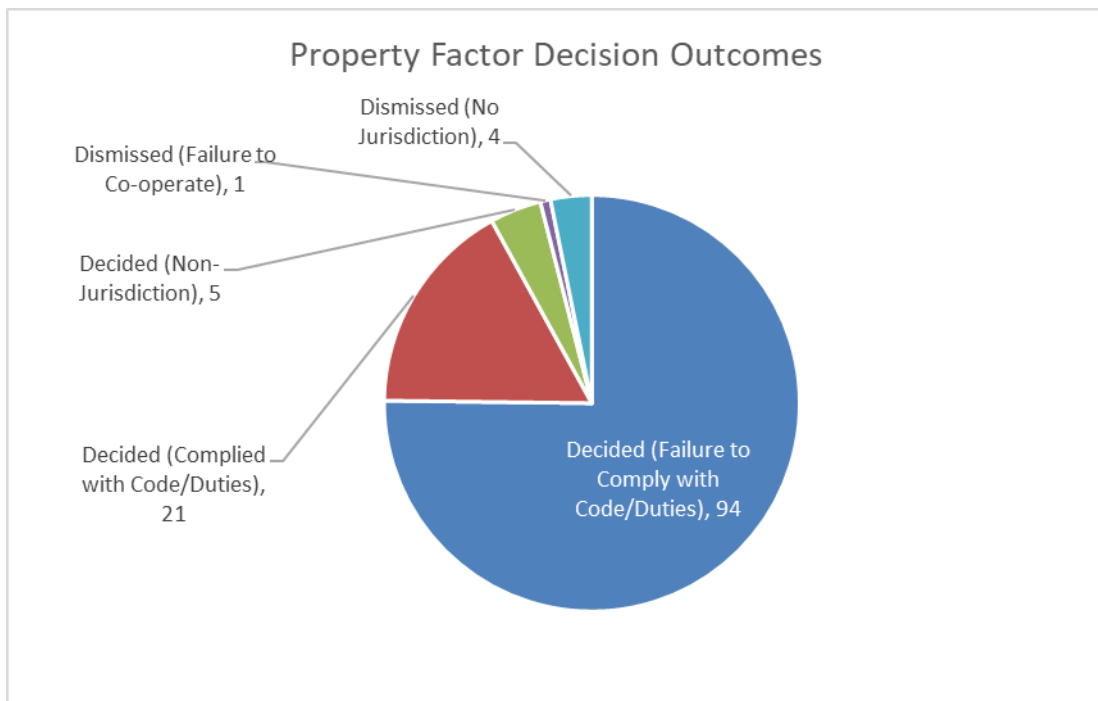
¹⁹ Note: a tribunal decision during the year does not necessarily mean that the application is closed during that same year. In cases where a Property Factor Enforcement Order (PFEO) is issued by a tribunal, a decision on whether the order has been complied with may not be made until the following year.



Total = 250

A total of 28 applications (11%) were rejected. Almost four in ten (38% or 97) applications were withdrawn by the applicant. While no reason was stated for 43 of these, more than half (54 or 56%) were withdrawn because the matter had been resolved.

A total of 125 applications were decided by a tribunal. The outcomes of those applications are shown in the chart below.



Total=125

In three-quarters (94 or 75%) of those 125 applications, the tribunal found that the property factor had failed to comply with the code and/or the property factor's duties. The tribunal found that the property factor had complied with the code and/or their duties in 21

applications. That figure represents only 18% of applications where a substantive decision was made²⁰. This is considerably lower than the equivalent figure (28%) for the previous year. This may be partly explained by the fact that a failure to comply decision was issued in relation to 27 groups of 2 cases, accounting for 54 failures to comply. Nevertheless, this is not a positive outcome when compared with the previous year.

In 5 cases, after considering legal submissions on the issue, the tribunal decided that the application was outwith its jurisdiction. A total of 5 applications were dismissed by the tribunal, either due a failure by a party either to co-operate or to comply with a case management order or because the tribunal considered that it had no jurisdiction.

A total of 72 Property Factor Enforcement Orders (PFEOs) were issued.

Tribunals considered whether property factors had complied with a PFEO in 77 cases²¹. The tribunal found that there had been compliance in more than three-quarters of these (59 or 77%). The tribunal found that there had been a failure to comply with the PFEO in 18 cases. As in the two previous years, this indicates a relatively high rate of compliance by property factors and is a positive outcome.

iv. Tenancy deposit applications

Landlords in Scotland who take a tenancy deposit from their tenant have since 2012 been required to pay the deposit into an approved scheme within 30 working days of the tenancy commencing²². If they fail to do so, the tenant can make an application to the HPC under rule 103 of the tribunal's rules²³. The tribunal can require the landlord to pay to the tenant up to a maximum of three times the amount of the deposit.

Such applications were previously made in the sheriff court. The transfer of jurisdiction to the HPC resulted in a significant increase in applications from tenants. This is likely to be a result of its more accessible procedures. In particular, unlike the sheriff court, no fee is payable for bringing an application.

In the two previous years, there had been a downward trend in these applications, suggesting that an increasing number of landlords were aware of their duties and were complying with them. In the reporting year, however, there was a 14% increase in applications. There were a total of 270 applications received during the year, the highest number since 2021-22. The reasons for this are unclear, although increased awareness among tenants may be a factor.

²⁰ I.e. excluding applications which were dismissed or where the tribunal decided it had no jurisdiction.

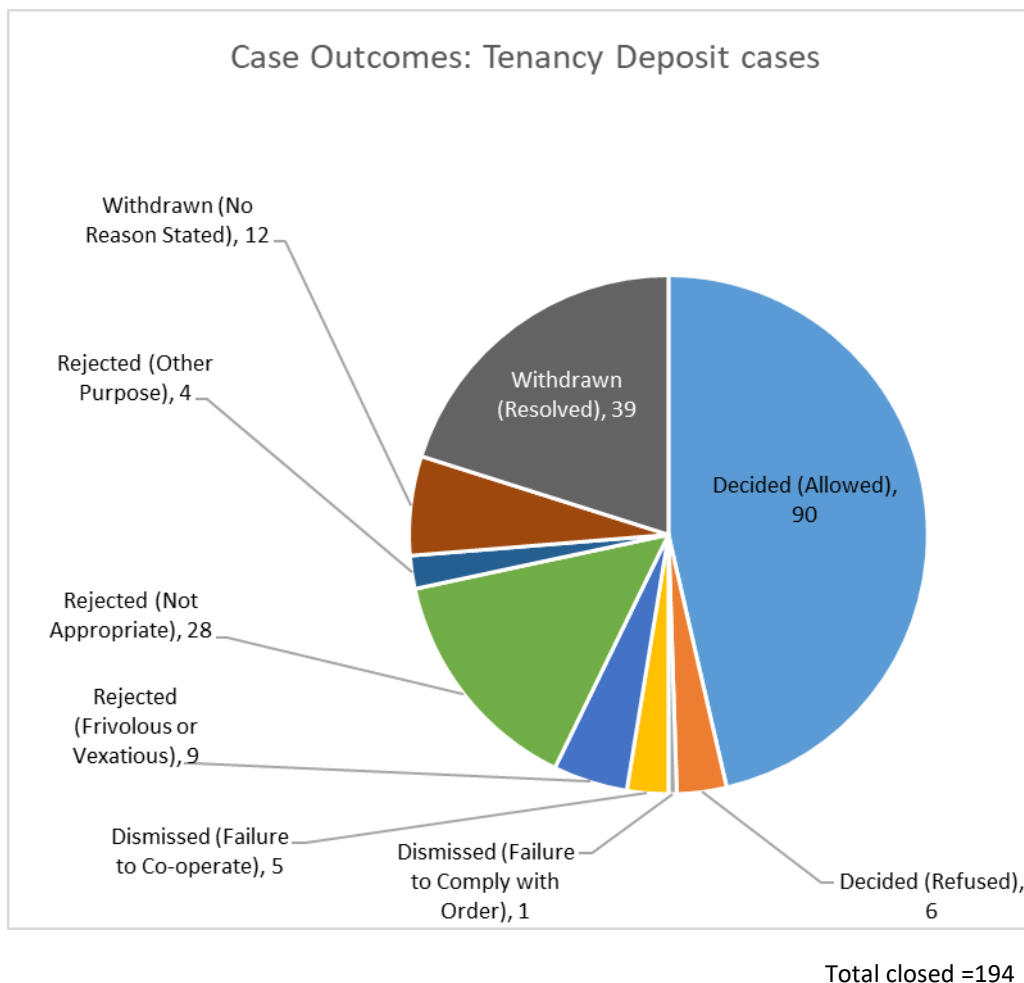
²¹ Note: some of these PFEOs would have been issued in the previous year.

²² Under the [Tenancy Deposit Schemes \(Scotland\) Regulations 2011](#)

²³ [Chamber's Procedure Rules](#)

Case outcomes

The chart below shows the outcomes for the 194 tenancy deposit applications which were closed during the year.



One in five applications (41 or 21%) were rejected. In many cases, the application was rejected because the application was received more than three months after the tenancy ended, which is the statutory deadline for such applications. It is not unusual for incomplete applications to be rejected because either information necessary to constitute a valid application has been requested by the tribunal and no response has been received or all of the information required to make a valid application had not been received within three months of the end of the tenancy. Some applications will have been rejected for other reasons – for example, because the respondent named was the letting agent rather than the landlord, or because the tenancy was not a relevant tenancy in terms of the Tenancy Deposit Schemes (Scotland) Regulations 2011, such as where it was a holiday let or the landlord was a resident landlord.

It is fairly common for an application to be made under rule 103 when in fact the applicant is seeking the return of their deposit in addition to/rather than seeking a sanction against their landlord for failure to protect their deposit. In this situation, it is open to the applicant to bring

a separate civil proceedings application for the return of their deposit alongside the rule 103 application. The two applications will then be conjoined and heard together by the tribunal.

A further one-quarter (51 or 26%) were withdrawn at various stages of the process. The reason stated for most of these withdrawals (39) was that the matter had been resolved, while no reason was given for the remaining 12 withdrawals. This suggests that there may have been discussion and negotiation between the parties in those cases.

For the vast majority of the 102 applications which were decided by a tribunal (90 or 88%), an order was granted in the applicant's favour. Only 6 applications were refused, while the remaining 6 were dismissed, due to the applicant's failure to co-operate or to comply with a case management order of the tribunal.

v. *Repairing standard applications*

A total of 211 repairing standard applications were received, comprising 4% of all applications. There was a 29% decrease in application numbers from the previous year, following two years where there had been a significant rise in applications. It appears that the primary reason for this drop in applications is a significant decrease in the number of third-party applications from local authorities.

As in previous years, the majority of applications (178 or 84%) were made by tenants, while the remaining 16% (33) were made by third-party applicants. This represents a decrease of two-thirds from the number of third-party applications (96) received in the previous year.

As before, third-party applications came from a small number of local authorities which were particularly proactive. Applications were received from only nine of the 32 local authorities, as shown in the chart below. This was a lower number of local authorities than in the two previous years (13 in 2023-24 and 10 in 2022-23). While as in the previous year, Falkirk Council made the highest number of applications (15), this was fewer than a third of the number received from them in 2023-24. This was followed by Dumfries and Galloway Council (6) and Aberdeenshire Council (4).



Total = 33

Case outcomes

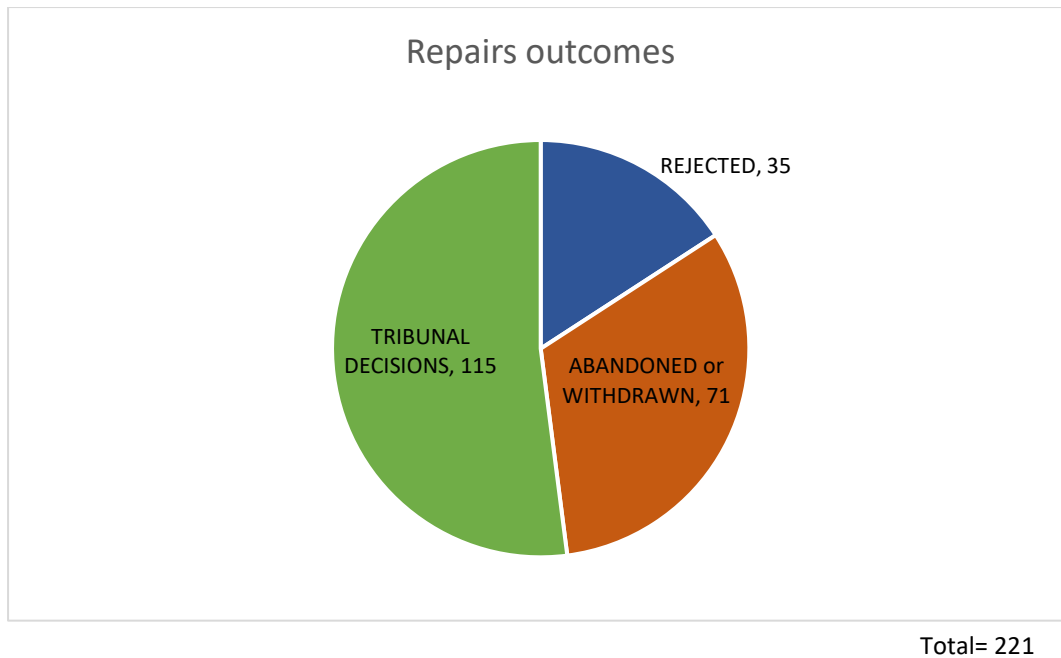
The chart below shows the outcomes of 221 repairing standard applications which were closed and/or decided by a tribunal during the year²⁴.

A total of 35 applications were rejected during the year. The most common reasons for rejection were that the applicant was no longer residing at the property when the application was made, that the tenant had not responded to requests for further required information or that the tenant had failed to send the required notification of repairs to the landlord.

A total of 71 applications were abandoned or withdrawn, either before referral to a tribunal or at a later stage. Where an application is withdrawn (usually because the landlord has carried out the repairs) or where the tenant leaves the property after making the application, the tribunal has power to either continue with an application or abandon it²⁵. In 26 cases, the HPC continued with the application even after the tenancy was terminated, due to the allegations made or given the nature of the repairing complaints made, which raised health and safety issues for others.

²⁴ Note: a tribunal decision during the year does not necessarily mean that the application is closed during that same year. In cases where a Repairing Standard Enforcement Order (RSEO) is issued by a tribunal, a decision on whether the order has been complied with may not be made until the following year, or in some cases could be years later.

²⁵ Housing (Scotland) Act Schedule 2 Paragraph 7



The tribunal decided on 115 applications during the year.

‘Decided’ means a decision was made about whether the landlord had complied with their repairing standard duty. In cases where a Repairing Standard Enforcement Order (RSEO) is issued by a tribunal, a decision on whether the order has been complied with will not be made until a later date, depending on the time allowed in the RSEO for the completion of repairs.

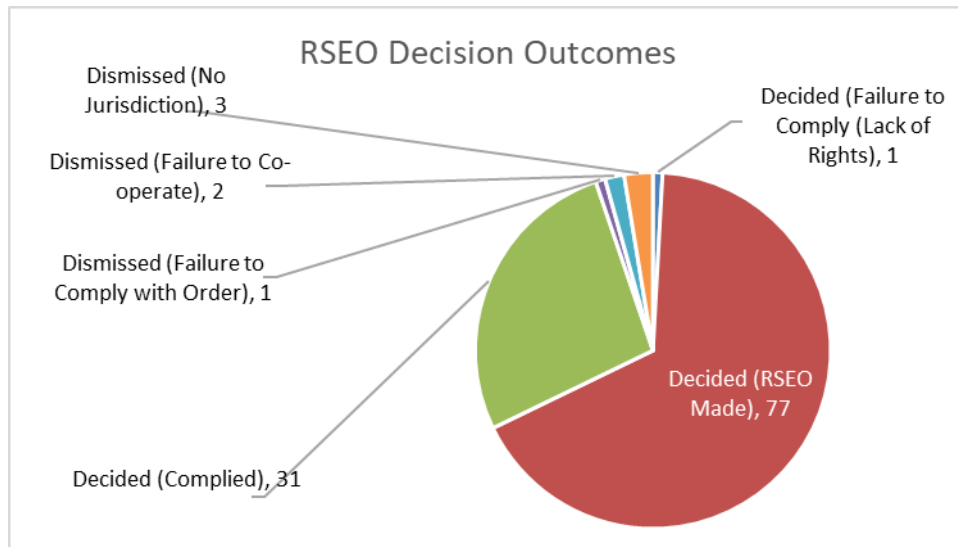
Even after the tribunal has decided that the landlord has failed to comply with the RSEO and/or made a Rent Relief Order, and referred the matter for prosecution, the case remains open with the tribunal. The RSEO is registered as a burden against the title to the property, and occasionally a landlord will carry out the repairs years later and then approach the tribunal asking for a completion certificate to remove the order and clear the burden from the title. This usually occurs when the landlord wishes to sell the property and needs to remove the burden on the title which prohibits letting and is proving to be a barrier to the property sale or the grant of a mortgage.

The decisions made on the 115 applications which were considered by a tribunal are shown in the chart below. The tribunal found that there had been a failure to comply with the repairing standard duty in almost three-quarters of cases where a substantive decision was made²⁶ (72% or 78). An RSEO was issued in all but one of these cases²⁷. In 31 cases, the tribunal found that the landlord had complied with the repairing standard duty. The tribunal dismissed six applications. In three cases, this was because the tribunal decided that it had

²⁶ I.e. excluding applications which were dismissed or where the tribunal decided it had no jurisdiction

²⁷ In one case, the tribunal found that the failure to comply occurred only because the landlord lacked the necessary rights (of access or otherwise) despite having taken reasonable steps for the purposes of acquiring those rights.

no jurisdiction, and in the other three cases this was due to failure by a (tenant) applicant to co-operate or comply with an order made by the tribunal.

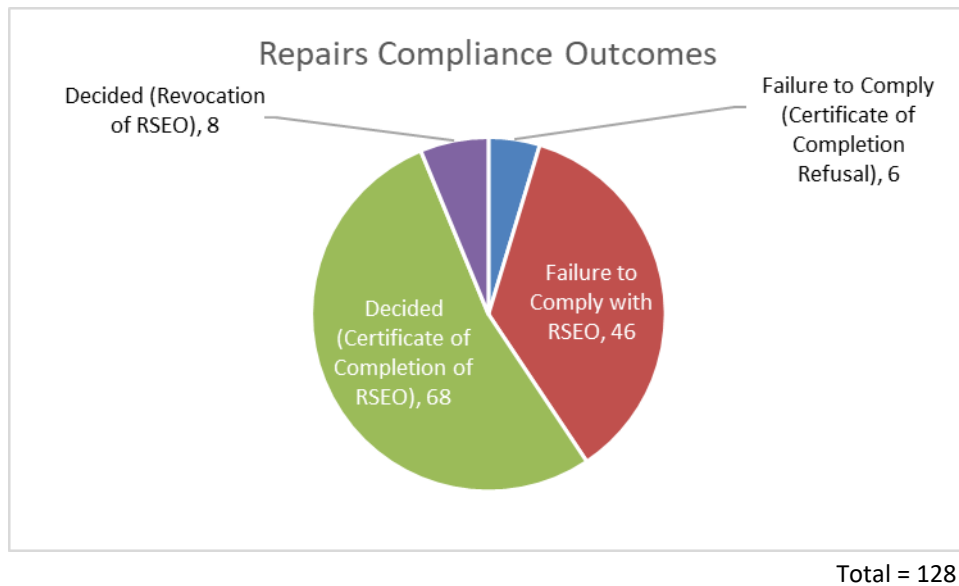


Total =115

As shown in the chart below, 68 Certificates of Completion were issued by tribunals following compliance by the landlord with the RSEO²⁸. A Failure to Comply decision was issued in 46 cases, and 30 of these were accompanied by a Rent Relief Order. If the tenant has moved out by the stage of consideration of compliance with a Repairing Standard Enforcement Order, a Rent Relief Order cannot be considered.

In eight cases, the tribunal revoked the RSEO because it considered that the action required by the order was no longer necessary. In six cases where a Failure to Comply decision had previously been issued, and the landlord subsequently contacted the HPC to say the works had been completed, the tribunal decided that the work was still not complete and refused to issue a Certificate of Completion.

²⁸ Note: some of these RSEOs would have been issued in previous years



Where a tribunal has issued an RSEO, it may later vary the order as it considers to be reasonable²⁹. Most commonly, a tribunal will vary an order to give the landlord more time to complete the works, where it considers this to be reasonable.

vi. Landlord (right of entry) applications

There were 204 landlord (right of entry) applications, an increase of more than a third (35%) on the previous year. This is the highest number of these applications ever received by HPC; the previous highest figure having been 182 in 2022-23. While the reasons for this are unclear, it may be due to increased awareness of the process among landlords and/or letting agents. This is suggested by the increase in the proportion of landlords who were represented in right of entry cases than in the three preceding years, as discussed in section 7 of this report.

Right of entry applications continue to be received in a few cases where there is also a repairing application before the tribunal involving the same parties.

vii. Letting agent applications

A total of 63 applications to enforce the letting agent code of practice were received during the year. This was a 16% decrease on the 2023-24 figure (75), and also slightly lower than in 2022-23 (when there were 67 applications). They accounted for around 1% of applications.

Once all letting agents were registered, as they were required to do by 1 October 2018, it was anticipated that applications would increase as awareness of the code of practice grew among landlords and tenants. The volume of letting agent applications has remained significantly below the original projected figure of 240 cases per annum, however. While the reasons for this are

²⁹ Housing (Scotland) Act 2006 section 25

unclear, it may be that neither landlords nor tenants have many complaints about letting agents - or if they do, that they are not taking these to the Chamber. It may also be the case that many letting agents are resolving complaints at an early stage, and that landlords and tenants therefore do not need to escalate matters to the Chamber.

Case outcomes

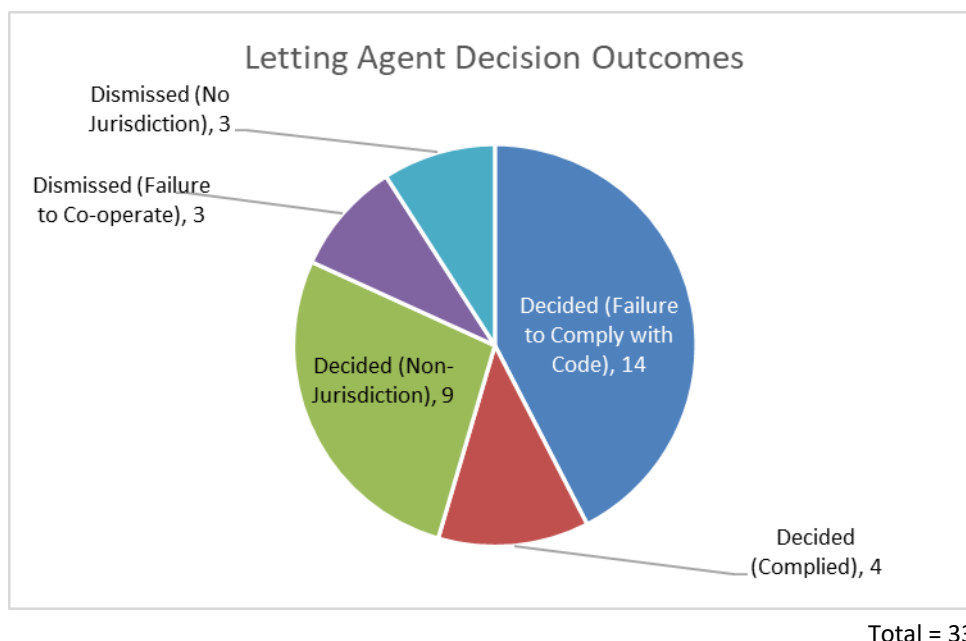
The chart below indicates the outcomes of the 59 letting agent code of practice applications which were closed and/or decided by a tribunal during the year³⁰. 'Decided' means a decision was made about whether the letting agent had complied with its duties under the code of practice. In cases where a Letting Agent Enforcement Order (LAEO) is issued by a tribunal, a decision on whether the order has been complied with may not be made until a later date.



Total =59

A total of 11 applications were rejected, and 15 were withdrawn. The remaining 33 applications (56%) were decided by a tribunal. The decisions made in these cases are shown in the chart below.

³⁰ Note: a tribunal decision during the year does not necessarily mean that the application is closed during that same year. In cases where a Letting Agent Enforcement Order (LAEO) is issued by a tribunal, a decision on whether the order has been complied with may not be made until the following year.



In 42% of these applications (14), the tribunal found that there had been a failure to comply with the code of practice. This was similar to the proportion for the previous year (44%). A Letting Agent Enforcement Order (LAEO) was issued in all but one of these applications. The tribunal decided that the letting agent had complied with the code in only four cases. The remaining six applications were dismissed by the tribunal, in three cases because it did not have jurisdiction and in the other three due to failure by an applicant to co-operate.

Tribunals considered whether letting agents had complied with LAEOs in 19 cases³¹. The tribunal found that the letting agent had complied with the LAEO in most of these cases (14 or 74%), with a failure to comply decision in the remaining five cases.

viii. Other types of application

Various other types of application made up the remaining 3.6% of applications (208). This is a higher proportion than in the two previous years (both 2.5% of applications).

1. Rent assessment applications

While rent assessment applications remained fairly low at 83, this was more than six times the previous year’s figure (13). As noted in the introduction, this increase is likely to be the result of the temporary rent cap, combined with the Scottish Government’s “Know your renting rights” awareness campaign for tenants. Of the 83 applications received, just over half (42) concerned assured/short assured tenancies, 33 related to private residential tenancies and 8 related to regulated tenancies.

³¹ Note: some of these LAEOs would have been issued in the previous year

2. Other private rented sector applications

The remaining 125 applications were all within the private rented sector jurisdiction, up slightly from the 2023-24 figure (116).

Almost 60% of these applications were for a wrongful termination order (74). While the number remain relatively small, this was a 40% increase on the previous year's figure of 55, continuing an upward trend in these applications. There were 15 applications for damages for unlawful eviction (up slightly from the previous year's figure of 13), 9 private residential tenancy terms applications (down from 18 in 2023—24), 6 applications for a time to pay order and 5 landlord registration appeals. There were very low numbers for the various remaining application categories, as shown in the table below.

Other private rented sector applications

Application type	Rule number	Number of applications
Application for a wrongful termination order	110	74
Application for damages for unlawful eviction	69	15
Private residential tenancy terms applications ³²	105 106 107	9
Application for a time to pay order	41H	6
Landlord registration appeals	99	5
Application to determine the rent limit	83	3
Application to adjust recoverable rent	80	3
Application for compensation for misrepresentation or concealment by a landlord	78	3

³² These include: applications to draw up the terms of a tenancy (rule 105), applications to draw up the terms of tenancy where a statutory term is unlawfully displaced (rule 106) and applications for a payment order where landlord has failed to provide information.

Application to determine removal expenses	67	1
Application to provide written tenancy agreement and weekly rent book	68	1
Application to amend a rent increase notice	81	1
Application to reduce the period of a notice to quit	85	1
Application to recover unlawful premiums and loans	87	1
Application to revoke a notice that no rent is payable	101	1
Application to contract out of the repairing standard	47	1
Total		125

9. Representation of parties

As in previous years, whether parties were represented in the tribunal process during the year varied according to: 1) the type of application and 2) whether they were an applicant or a respondent.

It should be noted that the representation figures discussed in this section do not tell the whole story. These record applications where the party named at least one representative at some stage of the tribunal process. In some cases, a party may be represented during certain stages of the process but not others - for example, while a party may have named a representative at the start of the process, they may not actually have been represented at any CMD and/or hearing. Conversely, there are occasions on which a party, such as a respondent in an eviction application, attends a CMD or a hearing with a legal or other representative whom they have not notified the tribunal about in advance. In some cases, a party may have received advice and support from an advice agency or solicitor in completing and/or submitting their application form or their written representations in response, but the adviser is unable to represent them at the CMD or hearing.

Parties are also entitled to be accompanied by a supporter at a CMD or hearing. While a supporter may not represent the party, they may assist them by providing moral support, helping them to manage their papers, taking notes and advising them on points of law and

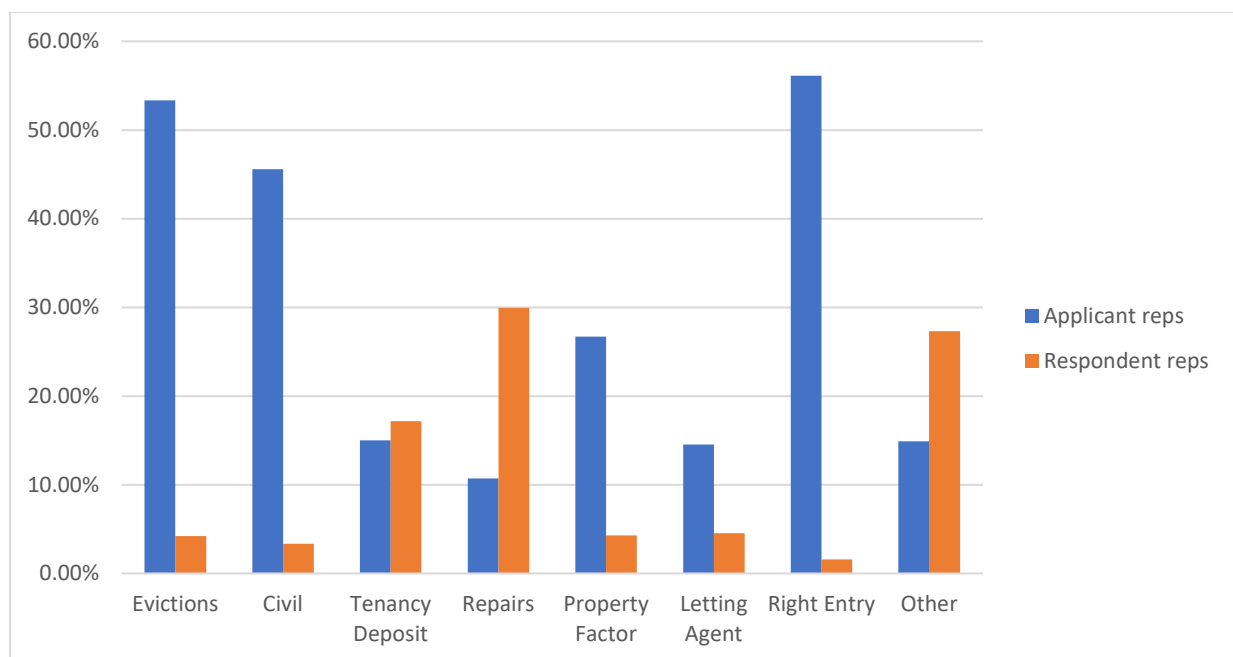
procedure and/or issues which they might wish to raise with the tribunal³³. It is not uncommon for parties to bring a supporter, usually a family member or friend, with them to a CMD or hearing. No record is kept of cases where a party brings a supporter.

Given the inquisitorial approach of the HPC, any issues regarding the legal competency of an application will generally have been addressed at the sifting stage, unless they require legal submissions from both parties at a CMD. It follows that any application which clearly does not meet the requirements will generally have been rejected at the sifting stage.

The chart below shows the percentage of applications for each case type where the party named at least one representative at some stage of the tribunal process during the reporting year.

It is not possible to determine from the data obtained whether a party’s representative was a solicitor, a letting agent, a non-solicitor adviser, or a friend or family member.

Levels of representation of parties



Evictions and civil proceedings

As in previous years, most applicants (landlords) in eviction applications were represented. Representation levels were down, however, for the third year in a row. Just over half (53%) of applicants were represented, compared with 57% in the previous year and 63% in 2022-23.

³³Rule 11 of the [Chamber’s Procedure Rules](#)

While the data collected does not identify the nature of applicants' representatives, these are generally either solicitors or letting agents.

The proportion of respondents (tenants) who were represented in eviction cases was again very low. Only 4% were represented, a slightly lower proportion than in the two previous years (6% in 2023-24 and 7% in 2022-23).

Fewer than half (46%) of applicants in civil proceedings cases were represented, again down for the third year in a row (from 49% in 2023-24 and 54% in 2022-23). Only 3% of respondents (mainly tenants) were represented in civil proceedings applications, down from 6% in the two previous years. While statistics are not collected on who civil proceedings applicants are, experience suggests that the vast majority are landlords. Some, however, are tenants seeking a payment order against their landlord.

Other application types

In tenancy deposit cases, most parties were not represented. Respondent landlords were slightly more likely to be represented (17%) than tenant applicants (15%).

In right of entry cases, more than half of landlords (56%) were represented. This was an increase on the three preceding years, when just under half were represented, although this remains significantly lower than the 81% of landlords who were represented in 2019-20.

Among landlord respondents in repairing standard cases, 30% were represented, a similar proportion to the two previous years. Again, this was much lower than the levels for 2020-21 (43%) and 2019-20 (63%). Levels of tenant representation remained low for both right of entry (2%) and repairing standard applications (11%).

Representation levels for homeowner applicants in property factor cases were up significantly (from 9% in the previous year to 27%) but decreased (from 11% to 4%) for respondent property factors. In letting agent cases, more applicants (who are either tenants or landlords) were represented than in the previous year (up from 6% to 15%). Fewer respondents were represented than in 2023-24, however (5% down from 13%).

Decrease in representation levels

As in the previous year, neither party was represented in the majority of cases, aside from applicant landlords in eviction and right of entry applications. Other than these applicants and those in civil proceedings applications (also likely to be mostly landlords), fewer than one-third of parties were represented across all case types. While landlords are still more likely to be represented than tenants, it is clear that aside from eviction cases, most landlords did not

have any form of representation within the tribunal process.

There could be a number of reasons for the continued reduction in representation levels across most case types during the reporting year. While it is difficult to reach any definitive conclusions, it appears that while most landlord applicants still seek representation in eviction cases, parties are increasingly willing to represent themselves.

This may be due to the tribunal's less formal and more inquisitorial approach and/or because parties feel more able to represent themselves at a teleconference than they did previously at an in-person CMD or hearing. While a teleconference CMD or hearing is subject to the same rules as a face-to-face CMD or hearing, it may feel less formal to parties and is likely to be easier and more convenient for them to attend by themselves. It is also possible that some parties, particularly landlords, who now have prior experience of the tribunal process feel more confident representing themselves in the light of that experience.

It could be, however, that some parties are unable or unwilling to access representation for financial or other reasons. Some landlords may be keen to keep their costs down, particularly if being represented might involve instructing a solicitor. In some cases, landlords have legal representation at the start of the process but then decide later in the process to represent themselves. This could be due to financial considerations.

In civil proceedings applications, it could also be the case that more of these are being made by tenants, who are generally less likely to be represented, against their landlords. It is understood that some tenants may be unable to obtain legal representation despite having approached a number of legal firms, as some firms no longer provide representation in housing cases under legal aid.

10. Members and training

As at the end of March 2025, there were 100 tribunal members (the tribunal judiciary) within the Chamber. Of these, 61 are legal members and 39 are ordinary members. These ordinary members are either qualified surveyors (who sit on repairing standard complaints, rent assessment, property factor cases and some private rented sector issues) or members with specialist knowledge and experience of housing issues (who generally deal with applications relating to private rented sector issues, property factors, right of entry and letting agents).

Training on property factors cases took place in November 2024 for both new legal members and some existing members who had not previously been trained in these cases. Training in rent assessment cases was also provided to legal members without previous experience in this jurisdiction in October and November 2024, in anticipation of an increased volume of applications. Refresher training was held for surveyor members in March 2025.

Members receive development through an ongoing process of members' development reviews. This is an opportunity for members to reflect on their work and receive peer feedback. Findings from members' reviews influence the training programme for the year.

A judicial bench book is available electronically for tribunal members. This is a resource which contains legislation and case law relevant to the jurisdiction. Notable Upper Tribunal decisions are circulated electronically to the membership, and a database of important Upper Tribunal decisions relevant to the Chamber's jurisdiction is available for the use of tribunal members and is kept regularly updated.

11. Notable successes during the year

For the third year in a row, the Chamber saw a sizeable rise in application numbers. Once again, further changes to housing legislation impacted on the complexity of cases being determined by the Chamber. Given this context, the Chamber's ability to absorb the additional and more complex workloads was in itself a major achievement during the reporting year.

Despite these challenges, the Chamber also succeeded in closing 8% more applications than in the previous year. This is a testament to the hard work and commitment of the tribunal members and SCTS administrative staff who process and determine the applications received.

The feedback received from members who attended the training sessions held throughout the year was overall very positive. A review of the refresher training for surveyor members was carried out by the Judicial Institute for Scotland (JI). The feedback received from the JI was also very positive. The JI was satisfied that the identification of learning needs followed good practice and met or exceeded the guidelines without any enhancement needed. It found that the structure of the training materials was easy to follow; the language used in the training materials was clear and there was appropriate interaction. Finally, the JI found that in general, the success criteria for delivery were met or exceeded with trainers evidencing preparedness, establishing a rapport with members and presenting and explaining information and exercises effectively.

12. Reviews, recalls and appeals

1. Reviews

The Tribunals (Scotland) Act 2014 introduced a review process, which allows a tribunal to review a decision made either at the request of a party or at its own instance where it is necessary in the interests of justice to do so³⁴. A party's request for a review of a decision must be made within 14 days of it being sent to them³⁵. Where the tribunal decides to review a

³⁴ Section 43

³⁵ Rule 39 of the [Chamber's Procedure Rules](#)

decision, it may take no action, set the decision aside or correct a minor or accidental error in the decision³⁶.

During the year, a total of 116 requests for review of a decision were received by the HPC, across most jurisdictions. This was a 10% increase on the previous year (following a 25% increase in 2023-24).

As in previous years, the highest number (58) concerned property factor cases (compared with 42 in 2023-24). These accounted for 50% of review requests. These were followed by other private rented sector cases (15), evictions (14), repairs (13), civil proceedings (10), letting agents (5) and rent assessment (1).

As in previous years, most review requests (80) were refused. In relation to the remaining 36 decisions which were the subject of a review request, the tribunal decided to review the decision. In 19 cases, the decision was corrected or set aside. No action was taken by the tribunal (and the original decision therefore remained in place) in six cases, while one review request was withdrawn and the other ten were not determined within the reporting period.

2. Recalls

The Chamber's procedure rules also provide that in certain categories of proceedings (including evictions, civil proceedings and tenancy deposit applications), a party may apply for the recall of a decision within 14 days of the decision, where the tribunal made the decision in absence because that party did not take part in the proceedings or failed to appear or be represented at a hearing following which the decision was made³⁷.

A total of 59 recall applications were considered by a tribunal during the year. More than half of these (31) were granted, and the other 28 were refused.

3. Appeals

The Tribunals (Scotland) Act 2014 introduced a new appeals process, with appeals being made to the Upper Tribunal for Scotland. This led to a much higher volume of appeals than prior to the establishment of the Chamber. One reason for this could be the accessibility of the process, including the fact that there is no fee involved. Guidance is sent to parties in relation to reviews and appeals when a decision is issued to them. Many appeals do not involve legal representatives. An appeal can, however, be made on a point of law only, rather than just because a party is unhappy with the outcome. In some cases, a party may request a review and make a permission to appeal request at the same time.

Permission to appeal requests to the Housing and Property Chamber

³⁶ Section 44 Tribunals (Scotland) Act 2014

³⁷ Rule 30 of the [HPC Procedure Rules](#)

Where a party wishes to appeal a decision made by the First-tier Tribunal, they must first seek permission to appeal from the Housing and Property Chamber. The permission to appeal request is usually considered by the tribunal which made the original decision.

A total of 155 requests for permission to appeal to the Chamber were received across all jurisdictions, a slight increase on the previous year (147). As in 2023-24, most of these (111 or 72%) related to the private rented sector jurisdictions (including eviction, civil proceedings and other PRS cases). The remaining 28% (44) were accounted for by property factor, repairing standard and letting agent cases.

A total of 148 permission to appeal requests were disposed of during the reporting year³⁸. As in the previous year, the vast majority (131 or 89%) of these were refused by the tribunal, with only 9% (13) being granted either in full or in part. The remaining four requests were withdrawn by the party involved.

Appeals/permission to appeal requests to the Upper Tribunal for Scotland

Where permission to appeal has been granted by the tribunal, the applicant must then appeal to the Upper Tribunal for Scotland. This is not an automatic process, as the Upper Tribunal is an entirely separate judicial body from the First-tier Tribunal. The case file is not sent to the Upper Tribunal by the First-tier Tribunal. It is for the applicant to send a copy of the tribunal's decision granting permission to appeal to the Upper Tribunal.

Where a permission to appeal request is refused by the tribunal, a further application can be made to the Upper Tribunal for Scotland for permission to appeal the original tribunal's decision.

A total of 30 appeals/permission to appeal requests relating to decisions made by the HPC were made to the Upper Tribunal for Scotland during the year. While these numbers are relatively small in the context of the number of decisions made, this was a one-third (32%) decrease on the previous year (44).

Most of the appeals/permission to appeal requests (22) to the Upper Tribunal concerned civil proceedings, evictions or other PRS cases. Most of the remainder (7) concerned property factor cases, while the other request related to a repairing standard case.

Just over a third (11) of the appeals/permission to appeal requests were refused. Of the remainder, one was upheld and the Upper Tribunal quashed the original tribunal's decision in five cases. Three were withdrawn and the outcome of the ten remaining appeals/permission to appeal requests was not known within the reporting year.

³⁸ Some of these requests were received during the previous reporting year.

13. Future developments

The temporary rent cap which was introduced on 1 April 2024 was withdrawn on 31 March 2025. The tapering approach which was in place during the reporting year came to an end on that date. Where a rent increase is served on a tenant on or after 1 April 2025, and the tenant challenges the proposed increase, the Rent Officer and/or the Chamber will again be able to make a rent determination based on the market rent for the property. It remains to be seen whether this, together with the Scottish Government's ongoing awareness campaign for tenants, results in a further rise in rent assessment applications in 2025-26.

Proposals for longer term rent controls are contained in the Housing (Scotland) Act, which received royal assent on 6 November 2025. In addition to proposed rent controls, the Bill includes various provisions which are likely, when introduced, to have a significant impact on the work of the Chamber.

These include: delays to evictions, damages for unlawful eviction and payments for wrongful termination, residential tenants keeping pets and making changes to let property, registration of letting agents and property factors, the ending of joint tenancies, agreements relating to mobile homes and disputes involving decisions by the Scottish Housing Regulator.