



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.

Chamber Ref: FTS/HPC/XA/19/3077

Parties:

The Scottish Ministers, Scottish Government, St Andrew's House, Regent Road, Edinburgh, EH1 3DG ("the Applicant")

FMC Lettings Ltd, 14 Howard Street, Kilmarnock, KA1 2BP ("the Respondent")

Tribunal Member: Jacqui Taylor (Legal Member)

The Tribunal rejects the application by the Applicant dated 30th September 2019, being an application under section 32(3) of the Housing (Scotland) Act 2014 to extend the period the Scottish Ministers have to determine an application to register a letting agent ('The Tribunal Application').

Section 32(2) of the Housing (Scotland) Act 2014 provides that the Scottish Ministers must determine an application to register a letting agent within 12 months of receiving the application.

The Scottish Ministers received the Respondent's application for registration as a letting agent on 27th September 2018.

The Applicants applied to the Tribunal for an extension to the time limit to determine the application for registration as a letting agent to 30th March 2020. The Tribunal Application was received by the Tribunal on 1st October 2019.

Section 32(4) of the Housing (Scotland) Act 2014 provides that the Tribunal may not extend a period unless the Scottish Ministers apply for the extension before the period expires. The Tribunal Application should have been submitted to the Tribunal

on or before 26th September 2019 and accordingly the period expired on 26th September 2019. The Tribunal Application was not submitted to the Tribunal timeously.

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

..... **J Taylor**Legal Member

Date: 16th October 2019