



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/22/3246

Parties

Mrs Elahe Khalili Sadatloo (Applicant)

Tay Letting (Respondent)

Tribunal Member: Jacqui Taylor (Legal Member)

The Tribunal rejects the application by the Applicant dated 7th September 2022 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 20th September 2022 in the following terms:

‘Before a decision can be made, we need you to provide us with the following:

- 1. Please provide a copy of the tenancy agreement.*
- 2. Section 6 of the application form is incomplete. I clearly states “For each section of the code that you select, please set out in the space provided the relevant paragraph number(s) of the Code.” You have indicated that you consider that the letting agent has not complied with Sections 5 and 7 of the Code but you have not entered the paragraph numbers. Section 5 has twenty four paragraphs and Section 7 has ten paragraphs. Please complete the application correctly and re submit.*
- 3. In terms of Section 48(4) of The Housing (Scotland) Act 2014, an application in respect of enforcement of the Letting Agent Code of Practice cannot be submitted unless the letting agent has been notified of the alleged failures to comply with the*

Code. Although you have submitted copies of email exchanges, it is not considered that sufficient notification has been given. In such notification, a letting agent must be given fair notice of what you consider the failings to be. A template letter is attached which you may find helpful. The Tribunal requires to have a copy of the letter of notification together with evidence of it having been delivered to the letting agent such as a copy of a sent email, proof of signed for mail such as recorded delivery or an acknowledgement from the letting agent that the communication has been received. Please also send a copy of any letter received from the letting agent in response to the notification given by you. Please reply to this office with the necessary information by 11 October 2022. If we do not hear from you within this time, the President may decide to reject the application.'

The Tribunal has not received the information requested despite sending a reminder on 12th October 2022.

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



Jacqui Taylor.....Legal Member Date: 16th November 2022