



**Decision and statement of Reasons of the First Tier Tribunal (Housing and Property Chamber)**

**Under Rule 8 of the First Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 'the Rules'.**

In respect of application by a landlord to enforce the Letting Agent Code of Practice in terms of s 48 of the Housing (Scotland) Act 2014 and Rule 95 of the Rules.

**Case reference FTS/HPC/LA/18/0329**

At Glasgow on the 27 February 2018, Lesley Anne Ward, legal member of the First –Tier Tribunal 'the Tribunal' with delegated powers of the Chamber President, rejected the above application in terms of Rule 8(1)(C) of the Rules.

1. The application is dated 8 February 2018 and was received by the Tribunal on 12 February 2018. In terms of Rule 95(c) of the Rules the application should be accompanied by a copy of the notification to the letting agent as required by s48(4) of the Housing (Scotland) Act 2018. The notification to the letting agent accompanying this application was dated 8 February 2018. The obligations in terms of the Letting Agent Code of Practice came into force on 31 January 2017. In terms of s46(5) of the Housing (Scotland) Act 2014 the Tribunal may reject an application if it is not satisfied that the letting agent has been given a reasonable time in which to rectify the breach. The letting agent was given notice on 8 February 2018, the same date the application was signed. It appears that the letting agent has been given insufficient time to rectify the breach.
2. Rule 8(1)(c) of the Rules allows an application to be rejected by the Chamber President if ***"they have good reason to believe that it would not be appropriate to accept the application"***.
3. I consider that this application is premature and it would not be appropriate to accept it.

**NOTE: What you should do now.**

If you accept this decision there is no need to reply.

If you disagree with this decision you should note the following:

An applicant aggrieved by this decision of the Chamber President or any legal member acting under delegated powers 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 seek permission to appeal within 30 days of the date the decision was sent them. Information about the appeal procedure can be forwarded on request.

L Ward

Lesley Anne Ward



Legal member