

Housing and Property Chamber First-tier Tribunal for Scotland



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FORM D

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Application by tenant or landlord relating to the tenancy terms and prescribed information for a Private Residential Tenancy:

Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”)

Reference to Rule numbers in this form refer to the **The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)**.

This form is to be used in the following circumstances:

By a tenant where the landlord has failed to provide a document setting out all the terms of the tenancy

By either a tenant or landlord where they believe a statutory term has been unlawfully displaced

By a tenant where the landlord has failed to provide the prescribed information as required under Section 11 of the 2016 Act

PLEASE COMPLETE THIS FORM USING BLOCK CAPITALS AND BLACK INK

1. APPLICATION TYPE

APPLICANT (please tick):

TENANT

LANDLORD

APPLICATION REASON: (Please select one only)

(a) The landlord has not provided a document setting out all the terms of tenancy:

(i) Application to draw up Terms only (Rule 105)

(ii) Application to draw up Terms with request to make payment order (Rule 105 & Rule 107)

(b) A statutory term has been unlawfully displaced (Rule 106)

(c) The landlord has not provided the prescribed information under Section 11 (Rule 107)

2. LANDLORD DETAILS (if there is more than one landlord under the tenancy, please include further details on a separate sheet, see Section 2 of **the Notes**)

a	Company/organisation name	<input type="text"/>
b	Title (e.g. Mr, Mrs, Miss, Ms)	<input type="text"/>
c	First name	<input type="text"/>
d	Last name	<input type="text"/>
e	Contact address	<input type="text"/> <input type="text"/> <input type="text"/>
f	Contact telephone number	<input type="text"/>
g	Contact email address	<input type="text"/>
h	Landlord registration number	<input type="text"/>

3. TENANT DETAILS (if there is more than one tenant under the tenancy, please confirm if all tenants are making an application and, if so, please include further details on a separate sheet, see Section 3 of **the Notes**)

a.	Title (e.g. Mr, Mrs, Miss, Ms)	<input type="text"/>
b.	First name	<input type="text"/>
c.	Last name	<input type="text"/>
d.	Property address	<input type="text"/> <input type="text"/> <input type="text"/>
e.	Contact address (If different to property address)	<input type="text"/> <input type="text"/> <input type="text"/>
f.	Contact telephone number	<input type="text"/>
g.	Contact email address	<input type="text"/>

6. REQUIRED DOCUMENTS

Please read **Note 6**, which sets out the required information which you must provide with your application form. You must confirm below the attachments you are including with your application. If you do not provide the information required for the type of application you are making, the application WILL NOT be accepted and will be returned to you.

Application reason:

(a) The landlord has not provided a document setting out all the terms of tenancy:

(i) Application to draw up Terms only (Rule 105)

The application must be accompanied by:

- a copy of the notification to the landlord as required under section 14(3) of the 2016 Act;
- a statement of the terms of the tenancy agreed between the landlord and tenant, whether verbally or in writing

(ii) Application to draw up Terms with request to make payment order (Rules 105 & 107)

The application must be accompanied by:

- a copy of the notification to the landlord as required under section 14(3) of the 2016 Act;
- a statement of the terms of the tenancy agreed between the landlord and tenant, whether verbally or in writing
- a copy of the notice given to the landlord under section 16(3)(c) of the 2016 Act

(b) A statutory term has been unlawfully displaced (Rule 106)

The application must be accompanied by:

- a copy of the written terms of tenancy or, if this is not available, as much information about the tenancy as the person can give; and
- evidence to support that a statutory term has been unlawfully displaced

(c) The landlord has not provided the prescribed information under Section 11 (Rule 107)

The application must be accompanied by:

- a copy of the notice given to the landlord under section 16(3)(c) of the 2016 Act

7. SIGNATURE

We will store and process the information you provide in line with data protection law. You have the right to ask to see information we have about you and to challenge how we process your personal data. Processing of your information in relation to an application is necessary for the performance of a task carried out in the public interest in terms of Article 6 1(e) of the UK General Data Protection Regulation¹.

In order to process your complaint, the Chamber may need to contact other relevant organisations (for example the Local Authority) and we may need to obtain reports from relevant specialists. Further information on the organisations that may be contacted with details of your application is available on our website. In terms of the legislation² which governs the application process, we will send copies of any application, attachments, correspondence and representations to the other parties and their representatives. **We cannot progress your application without doing this.**

Please note also that legislation³ requires the Chamber to make any tribunal decisions and statements of reasons publicly available. Further information on how the administration processes personal data and on your rights can be found on the SCTS website⁴.

Where a party, a representative or an interested party provides an email address, the First-tier Tribunal will communicate using that address until the party, representative or interested party requests that another method of communication be used.

Your signature

Date

¹ <https://www.legislation.gov.uk/eur/2016/679/article/6>

² <http://www.legislation.gov.uk/ssi/2017/328/schedule/paragraph/9/made>

³ <http://www.legislation.gov.uk/ssi/2017/328/schedule/paragraph/26/made>

⁴ <http://www.scotcourts.gov.uk/about-the-scottish-court-service/contact-us/data-protection>