



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 48 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/LA/23/4144

Re: Property at 104 Monart Road, Perth, PH1 5UQ (“the Property”)

Parties:

Mrs Julie MacDonald, Mhor House, 28 Dundas Home Farm, South Queensferry, EH30 9SS (“the Applicant”)

Belvoir Perth, 8 Bridge Lane, Perth, PH1 5JJ (“the Respondents”)

Tribunal Members:

Andrew Upton (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant had no title to sue and dismissed the Application.

Statement of Reasons

1. This Application called for a Hearing by teleconference call on 13 August 2024, alongside two related Applications (LA/23/2207 and LA/23/2618). The Applicant was present. The Respondent was represented by Ms Lewis.
2. This is an Application under section 48 of the Housing (Scotland) Act 2014 to enforce the Letting Agent Code of Practice. The Applicant claims to be the landlord of the property at 104 Monart Road, Perth, PH1 5UQ, to have instructed the Respondent to provide the services of a letting agent in respect of the Property, and that the Respondent has failed to comply with the Letting Agent Code of Practice in a number of ways.
3. At the outset of the Hearing, it was established that the Applicant was not the heritable proprietor of the Property. The Property is owned equally between

the Applicant's husband and brother-in-law. She has no title to the Property, and no interest in it.

4. In terms of section 48(1) of the 2014 Act, the parties who may bring an Application under section 48 are "A tenant, a landlord or the Scottish Ministers". The Applicant is neither tenant nor landlord, and is obviously not the Scottish Ministers. As such, she has no title to bring the Application.
5. Accordingly, the Tribunal dismissed the Application.

Right of Appeal

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.

Andrew Upton

5 December 2024

Legal Member/Chair

Date