



**DECISION AND STATEMENT OF REASONS OF MARTIN J. MCALLISTER,
LEGAL MEMBER OF THE FIRST-TIER TRIBUNAL WITH DELEGATED
POWERS OF THE CHAMBER PRESIDENT**

**Under Rule 8 of the First-tier Tribunal for Scotland Housing and Property
Chamber Rules of Procedure 2017 ("the Rules")**

in connection with

9 Belvedere Place, Bathgate, EH48 4BP ("the Property")

Case Reference: FTS/HPC/LA/25/0911

Vita Vidupa ("the Applicant")

REDACTED ("the Letting Agent")

1. The Applicant submitted an application to the Tribunal on 3 March 2025 in terms of Section 48 (1) of the Housing (Scotland) Act 2014 ("the 2014 Act") and Rule 95 of the Rules in respect of the alleged failure of the Letting Agent to comply with the Letting Agent Code of Practice ("the Code").
2. The application was incomplete because Section 6 did not identify the sections and paragraphs of the Code with the Applicant considered had not been complied with.
3. The application stated that the landlord of the property was unregistered, had failed to provide safety certificates, had refused to provide historical records, had failed to protect a tenancy deposit, had increased the rent illegally had attempted an informal eviction and had lost tenancy documents.

4. The application identified a person as the letting agent. The Applicant submitted a copy of the tenancy agreement which has no reference to a letting agent but states the landlord to be the same person who is named in the application as the letting agent.

DECISION

5. The Legal Member considered the application in terms of Rule 5 and Rule 95 of the Rules and Section 48 of the 2014 Act. Rule 5 provides: - (1) An application is held to have been made on the date that it is lodged if, on that date, it is lodged in the manner as set out in rules 43, 47 to 50, 55, 59, 61, 65 to 70, 72, 75 to 91, 93 to 95, 98 to 101, 103 or 105 to 111, as appropriate. (2) The Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, must determine whether an application has been lodged in the required manner by assessing whether all mandatory requirements for lodgment have been met. (3) If it is determined that an application has not been lodged in the prescribed manner, the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, may request further documents and the application is to be held to be made on the date that the First-tier Tribunal receives the last of any outstanding documents necessary to meet the requirement manner for lodgment. “
6. **After consideration of the application the Legal Member considers that the application should be rejected in terms of Rule 8(1) (c) which states that an application must be rejected if the Tribunal has “good reason to believe that it would not be appropriate to accept the application.” The basis of the decision is that the Applicant has failed to evidence that there is a letting agent who is obliged to comply with the Code.**

REASONS FOR DECISION

7. The Applicant's application is in terms of Section 48 of the 2014 Act and Rule 95 of the Rules. Section 48 (1) states that "A tenant, a landlord or the Scottish Ministers may apply to the First-tier Tribunal for a determination that a relevant letting agent has failed to comply with the Letting Agent Code of Practice."
8. It is evident that the Tenant believes that there are significant issues with his tenancy which may give cause for an application or applications to the Tribunal but not necessarily in relation to enforcement of the Code.
9. The Tenant has not identified a letting agent and the application is therefore incompetent.
10. The Applicant has failed to provide the information and documents required by Rule 95 of the Rules and Section 48 of the 2014 Act. The Applicant has also failed to provide this information and documentation, having been directed to do so in a request for further information by the Tribunal, in terms of Rule 5(3) of the Rules. The Legal Member therefore determines that the application cannot be accepted. The application is rejected on that basis.

What you should do now

If you accept the Legal Member's decision, there is no need to reply.

If you disagree with this decision –

An applicant aggrieved by the 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 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. Information about the appeal procedure can be forwarded to you on request.

Martin J. McAllister, Legal Member
27th March 2023.

