

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

STATEMENT OF DECISION: in respect of an application under section 48(1) of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/LA/25/1321

70/2 St Leonards Street, Edinburgh, EH8 9RA ("the Property")

The Parties:-

**Ms Adele Cameron, 33 Priory Place, Perth, PH2 0EA
("the Applicant")**

**C~urb PSL, Link House, 2c New Mart Road, Edinburgh, EH14 1RL
("the Letting Agent")**

Tribunal Members

Miss Gillian Buchanan (Legal Member)
Mrs Mary Lyden (Ordinary Member)

Decision

The Application is refused as incompetent.

Background

1. By application dated 28 March 2025, the Applicant applied to the Tribunal for a determination on whether the Letting Agent had failed to comply with various paragraphs of the Code of Practice for Letting Agents ("the Code"). The Application is made under Section 48 of the Housing (Scotland) Act 2014.
2. By decision dated 9 July 2025, a Convenor on behalf of the President of the Tribunal (Housing and Property Chamber) decided to refer the application to a Tribunal for a hearing.
3. A Hearing was assigned to take place on 11 November 2025.
4. Prior to the Hearing the Letting Agent lodged with the Tribunal written representations by email dated 20 October 2025.
5. Prior to the Hearing the Applicant per her representative lodged with the Tribunal further written representations by email dated 22 October 2025.

The Hearing

6. The Hearing took place on 11 November 2025 by telephone conference. The Applicant attended the Hearing. The Letting Agent was represented by Mr James Calder and Ms Morna Dunsmore.

Preliminary matter

7. The Applicant is the heritable proprietor and landlord of the Property.
8. By virtue of a Lease dated 7 April 2022 the Applicant leased the property to City of Edinburgh Council ("the Tenant") from 8 April 2022 to 7 April 2027 for the purposes of temporary residential accommodation in accordance with the Housing (Scotland) Act 2001. The lease obliges the Tenant to sublet the property.
9. The Letting Agent is the contracted managing agent for the Tenant.
10. The Tribunal identified a preliminary matter relative to the competency of the Application having regard to the terms of Sections 48(1) and (2) which state:-

"48 Applications to First-tier Tribunal to enforce code of practice

- (1) 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.*
- (2) A relevant letting agent is—*
 - (a) in relation to an application by a tenant, a letting agent appointed by the landlord to carry out letting agency work in relation to the house occupied (or to be occupied) by the tenant,*
 - (b) in relation to an application by a landlord, a letting agent appointed by the landlord,*
 - (c) in relation to an application by the Scottish Ministers, any letting agent."*

11. The Letting Agent is not a "relevant letting agent" in terms of Section 48(2).

Reasons for Decision

12. In that the Letting Agent is not a "relevant letting agent" in terms of Section 48(2) the Applicant cannot pursue an Application under Section 48(1). This Application is therefore not competent and is refused.

Decision

13. The Application is refused as incompetent.

Right of Appeal

14. In terms of section 46 of the Tribunals (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.

Legal Member and Chairperson
11 November 2025