

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 26 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ('The Procedure Rules) in relation to an application for extension of time limit to determine application for registration as a letting agent under Rule 93 of the Procedure Rules.**

**Chamber Ref: FTS/HPC/XA/19/30029**

**Parties:**

**The Scottish Government ("the Applicant")**

**24/7 Property Letting Kilmarnock Ltd ("the Respondent")**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal")**

**Tribunal Member: Jacqui Taylor (Legal Member)**

**Background**

1. The Applicant submitted an Application to the Tribunal under Tribunal Rule 93 for an extension of time to determine the Respondent's application for registration as a letting agent in terms of section 33(3) of the Housing (Scotland) Act 2014. The Application was dated 26<sup>th</sup> September 2019.

The Application stated:

'The application was made under section 32 of the Housing (Scotland) Act 2014, which was received by the Scottish Ministers on 27<sup>th</sup> August 2018.

The application fee was paid on 28<sup>th</sup> September 2018. Section 30(3) of the Housing (Scotland) Act 2014 requires that an application to the Scottish Letting Agent Register must be accompanied by a fee of such amount (if any) as the Scottish Ministers may determine. The date by which the Scottish Ministers require to determine the Respondent's application, or apply to the Tribunal for an extension is therefore 27<sup>th</sup> September 2019.

The Registration team began processing the application on 7<sup>th</sup> December 2018. The Respondent had initially indicated that they operated from one branch office and in November 2018 they advised that another branch office was to be included in the application. In September 2019 they advised that the other branch office would be closing and would no longer be included in the application. They also advised that the individual who had been the main point of contact had left the employment of the Respondents. The Applicants had also requested a confirmation letter from the Respondent's bank that the account meets the requirements of the Letting Agents Code of Practice.

3.3 In terms of Tribunal Rule 18(1) the Tribunal may make a decision without a hearing where the facts are not disputed and to do so would not be contrary to the interests of the parties.

Tribunal Rule 18(2) provides that before making a decision under Tribunal Rule 18(1) the Tribunal must first consider any representations submitted by the parties.

The Tribunal issued a Direction to the parties dated 2<sup>nd</sup> October 2019 directing them to provide the Tribunal with written representations as to whether or not they would wish a hearing to be fixed.

The Applicants sent the Tribunal written representations on 18th October 2019 which confirmed that they are content that no hearing is fixed provided the Respondent is in agreement and the Tribunal is minded to grant the Application.

The Respondents sent the Tribunal an email dated 22<sup>nd</sup> October 2019 which confirmed that they would be happy for the Tribunal to make a decision without a hearing.

The Tribunal determine that a decision will be made without a hearing as the facts are not disputed and it is not contrary to the interests of the parties to do so.

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**The Tribunal determine that the time period for the Scottish Ministers to determine the application for registration of the Respondent as a Letting Agent under section 30 of the Housing (Scotland) Act 2014 is extended to 30<sup>th</sup> March 2020 as the Respondent agrees with the Application and it is in the Respondent's interest for the Application to be granted.**

Jacqui Taylor .. Legal Member

23rd October 2019