



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 26 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.**

Case reference FTS/HPC/LA/21/0798

**Parties**

**Miss Violeta Lazarova (Applicant)**

**DRM Residential (Respondent)**

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

The Tribunal rejects the application by the Applicant received by the Tribunal on 29<sup>th</sup> March 2021 being an application under section 48 of the Housing (Scotland) Act 2014 to enforce the Letting Agent Code of Practice.

The Tribunal sent the Applicant an email dated 19<sup>th</sup> April 2021 in the following terms:

*'1. You have stated that you consider that the letting agent has failed to comply with Sections 5 and 7 of the Code. You will note that the application states that an applicant is required to insert the particular sections of the Code. You have not done so. Please consider whether or not you want to revise your application and, if so, send us a replacement page for Section 6 of the form. 2.*

*2. In terms of Section 48(4) of the Housing (Scotland) Act 2014, no application to enforce the Letting Agent Code of Practice can be made unless the applicant has notified the letting agent of the breach of the code of practice in question. You have sent a number of email exchanges between the letting agent and you but it is not considered that this constitutes notification in terms of the Act. Intimation requires to be specific and you must state which section of the Code you consider the letting agent has not complied with and the reasons why. This has to be specific. For example, if you consider that the letting agent has failed to comply with Section 87 of the Code, you must state that in your intimation along with the reasons why you consider that to be the case. We attach a template letter which you may find useful. Please send us a copy of the letter of intimation which you send together with proof of sending which could be a sent email, recorded delivery evidence or an acknowledgement from the letting agent. A letting agent should be given an opportunity to respond to your complaint. Please send us a copy of any response which you receive.*

*3. It is noted that you have left the Property. Please advise of the date on which the tenancy ended.*

*4. Please let us have a copy of the tenancy agreement. Please provide a response by 17 May 2021, failing which the Chamber President may consider rejecting your application*

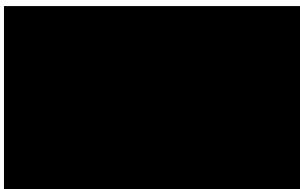
*The Tribunal asked the Applicant to provide the requested information by 17<sup>th</sup> May 2021.'*

The Tribunal subsequently extended the deadline to 25<sup>th</sup> May 2021. The Applicant has not provided the required information.

The Tribunal considers that the Applicant has had ample opportunity to provide the required information and has failed to do so.

Accordingly the Tribunal have good reason to believe that it would not be appropriate to accept the application and reject the application in terms of rule 8 (1)(c) of the Tribunal Rules.

**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**



Legal Member

Date: 7<sup>th</sup> June 2021