



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/21/2937

Parties

Mrs Mary Yuill (Applicant)

Purplebricks (Respondent)

Tribunal Member: Jacqui Taylor (Legal Member)

The Tribunal rejects the application by the Applicant dated 2nd November 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 30th November 2021 in the following terms:

'A legal member of the Tribunal with delegated powers of the Chamber President has considered the application submitted by you. It has been identified that further information is required from you before matters can progress:

- 1. Please send us a copy of your tenancy agreement.*
- 2. You have not completed the application correctly. It clearly states in Section 6: "... please set out in the space provided the relevant paragraph number(s) of the Code." You have not done this and you will require to amend the application accordingly. We attach a copy of the Letting Agent Code of Practice which may assist. You will note that within section 7 there are paragraphs 107 – 116 and within section 8 there are paragraphs*

117- 136. Which of these paragraphs are you including in your application ? Please amend the application to refer to the paragraphs you wish to include.

3. Section 48 (4) of the Housing (Scotland) Act 2014 states that no application 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 copy of the template letter which you sent to the letting agent but you have not completed it properly. A letting agent has to be given fair notice of what your complaints are and you therefore require to insert the relevant paragraph numbers of the Code. You will require to give sufficient intimation to the letting agent, send us a copy of what you have sent and also provide evidence of having sent it. A letting agent requires to be given time to respond to the notification. Please let us have a copy of any response which you receive.

4. Your application mentions failure by the letting agent to lodge the deposit with an approved tenancy deposit scheme. Please note that this application should be made on Tribunal form G in terms of Tribunal Rule 103. We attach a copy of Form G and the Guidance Note.

Please respond by 21 December 2021, failing which the President may decide to reject the application.'

The Tribunal has not received the information requested despite sending reminders on 22nd December 2021, 21st January 2022 and 7th February 2022. The Applicant was advised that if the information was not provided timeously the President may reject the application.

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: 4th March 2022