



**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/20/2269

**Parties**

**Mr O Reed-Parkinson (Applicant)**

**Premier Property Management (Respondent)**

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

The Tribunal rejects the application by the Applicant dated 28<sup>th</sup> October 2020 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 18<sup>th</sup> November 2020 in the following terms:

*'Before a decision can be made, we need you to provide us with the following:*

- 1. In terms of Section 48(4) of the Housing (Scotland) Act 2014 no application can be made to the Tribunal unless the applicant has notified the letting agent of the breach of the code of practice in question. Whilst it is appreciated that you have been in contact with the letting agent and have raised your concerns with it, fair notice has to be given by specific reference to the clauses of the Code of Practice. You require to let the letting agent know the particular section of the Code where you consider there to have been a breach and the reasons why. A template letter is enclosed/ attached which may be of assistance.*
- 2. Your application makes reference to you objecting to the letting agent communicating with you other than by letter. The tenancy agreement*

*submitted by you permits communication by email and it would be useful if you addressed this matter when you are responding.'*

The Tribunal asked the Applicant to provide the requested information by 2nd December 2020.

The Tribunal subsequently extended the deadline to 8<sup>th</sup> January 2020. The Tribunal sent a reminder to the Applicant dated 12<sup>th</sup> January 2021 and requested the information by 19<sup>th</sup> January 2021. The Applicant has not provided the required information. He sent the Tribunal an email dated 19<sup>th</sup> January 2021 in the following terms:

*'I regret to inform I have had a very serious medical issue in the night. I therefore need 90 days postponement of deadline to fulfill all the numerous, extra, retaliatory, very unethical counter-requests that were made by the other side.'*

The Tribunal acknowledged that the Applicant had an illness on 19<sup>th</sup> January 2021, however the information should have been provided to the Tribunal before that date. 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: 26<sup>th</sup> January 2021