

SCHEDULE 1

The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2016

PART 3

Procedure in respect of private rented applications

Procedure in respect of regulated tenancy references

Hearings

65.—(1) Where a regulated tenancy reference is to be subject to a hearing, the First-tier Tribunal shall appoint a date, time and place for the hearing.

(2) The First-tier Tribunal shall give not less than 10 days' notice in writing of the date, time and place so appointed for a hearing—

- (a) to the landlord and the tenant where the reference is a matter referred to the First-tier Tribunal under paragraph 7 of schedule 5 of the 1984 Act;
- (b) to the applicant where the reference is a matter relating to an application for the registration of a rent for a dwelling-house in accordance with a certificate of fair rent referred to the First-tier Tribunal under paragraph 9 of schedule 6 of the 1984 Act;
- (c) to the applicant where the reference is an application for a certificate of fair rent referred to the First-tier Tribunal under paragraph 2 or 6 of schedule 6 of the 1984 Act and, in a case to which paragraph 9 of that schedule applies, to the tenant;
- (d) to the lessor and the lessee where the reference is a Part VII contract referred to the First-tier Tribunal by either the lessor or the lessee; or
- (e) to the lessor and the lessee and the local authority where the reference is a Part VII contract referred to the First-tier Tribunal by the local authority.

(3) A hearing shall be in public unless for special reasons the First-tier Tribunal decides otherwise.

(4) At a hearing—

- (a) the parties shall be heard in such order and, subject to the provisions of these Rules, the procedure shall be such as the First-tier Tribunal shall determine; and
- (b) a party may call witnesses, give evidence on their own behalf and cross-examine any witnesses called by the other party.

(5) The First-tier Tribunal at its discretion may on its own motion, or at the request of the parties or one of them, at any time and from time to time postpone or adjourn a hearing; but it shall not do so at the request of one party only unless, having regard to the grounds upon which and the time at which such request is made and to the convenience of the parties, it deems it reasonable to do so.

(6) The First-tier Tribunal shall give to the parties such notice of any postponed or adjourned hearing as it deems to be reasonable in the circumstances.

(7) If a party does not appear at a hearing, the First-tier Tribunal, on being satisfied that the requirements of this rule regarding the giving of notice of a hearing have been duly complied with, may proceed to deal with the reference upon the representations of any party present and upon the documents and information which they may properly consider.