

## SCHEDULE

The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

### PART 3

#### Procedure in respect of private rented applications

#### CHAPTER 5

Procedure in respect of assured tenancy references to the First-tier Tribunal

#### **Assured tenancy references to the First-tier Tribunal**

- 61.** Where a landlord or a tenant makes an assured tenancy reference, the reference must—
- (a) state—
    - (i) the name, address and registration number (if any) of the landlord;
    - (ii) the name and address of the tenant; and
    - (iii) the name, address and profession of any representative of the tenant or landlord;
  - (b) be accompanied by—
    - (i) a copy of the written terms of the tenancy (if available); and
    - (ii) the notice comprising an adjustment of the rent (if available); and
  - (c) be signed and dated by the tenant or landlord or a representative of the tenant or landlord.

#### **Documents at assured tenancy reference hearings**

**62.**—(1) Where the assured tenancy reference is to be subject to a hearing, the First-tier Tribunal must take all reasonable steps to ensure that there is sent to each of the parties before the date of the hearing—

- (a) a copy of, or sufficient extracts from, or particulars of, each document relevant to the reference which has been received from a party (other than a document which is in the possession of such party or of which that party has previously been sent a copy); and
  - (b) a copy of each document which embodies results of enquiries made by or for the First-tier Tribunal for the purposes of that reference, or which contains relevant information in relation to rents or other tenancy terms previously determined for other houses and which has been prepared for the First-tier Tribunal for the purposes of that reference.
- (2) At a hearing where—
- (a) a document relevant to the reference is not in the possession of a party present at the hearing; and
  - (b) such party has not been sent a copy of, or relevant extracts from, or particulars of, that document by the First-tier Tribunal in accordance with the provisions of paragraph (1) of this rule, then unless—
    - (i) such party consents to the continuation of the hearing; or
    - (ii) the First-tier Tribunal consider that such party has a sufficient opportunity of dealing with that document without an adjournment of the hearing,

the First-tier Tribunal must not consider that document until after it has adjourned the hearing for a period which it considers will afford such a party a sufficient opportunity of dealing with that document.

*Status: This is the original version (as it was originally made).*

(3) Where an assured tenancy reference is not to be subject to a hearing in accordance with rule 18, the First-tier Tribunal must—

- (a) send to each of the parties a copy of, or sufficient extracts from, or particulars of, each such document as is mentioned in paragraph (1)(a) (other than a document excepted from that paragraph) and a copy of each such document as is mentioned in paragraph (1)(b); and
- (b) not reach its decision until it is satisfied that each party has been given a sufficient opportunity of making written representations in respect of each document of which a copy or from which extracts or of which particulars has or have been so sent, and upon the other party's case.

### **Inspections**

**63.**—(1) The First-tier Tribunal may on its own motion and must at the request of one of the parties (subject in either case to any necessary consent being obtained) inspect the house which is the subject of the assured tenancy reference.

(2) An inspection may be made before, during or after the close of the hearing, or at such stage in relation to the consideration of the representations in writing as the First-tier Tribunal determines.

(3) The First-tier Tribunal must give in writing sufficient notice of an inspection to the parties and must allow each party and their representatives to attend any such inspection.

(4) Where an inspection is made after the close of a hearing, the First-tier Tribunal may, if it considers that it is expedient to do so on account of a matter arising from the inspection, re-open the hearing; and if the hearing is to be re-opened, rule 24(1) applies as it applied to the original hearing, save in so far as its requirements may be dispensed with or relaxed with the consent of the parties.

### **Parties to be notified by the First-tier Tribunal**

**64.** The parties to be notified by the First-tier Tribunal under rule 9(1) are, in relation to an assured tenancy reference, the tenant and the landlord.