

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 1

Procedure common to proceedings in respect of private rented applications

Application and interpretation

46.—(1) This Part of the Rules applies to proceedings before the First-tier Tribunal when exercising the functions allocated to it by—

- (a) regulation 3(1) of the First-tier Tribunal (Transfer of functions of the Private Rented Housing Committees) Regulations 2016⁽¹⁾; or
- (b) regulation 3(1) of the First-tier Tribunal (Transfer of functions of the Private Rented Housing Panel) Regulations 2016⁽²⁾.

(2) In this Part of the Rules—

- (a) in Chapters 2, 3 and 4, where terms are used which are defined terms in the 2006 Act, the definitions in that Act in respect of those terms apply to those Chapters;
- (b) in Chapters 5 and 6, where terms are used which are defined terms in the 1988 Act, the definitions in that Act in respect of those terms apply to those Chapters;
- (c) in Chapters 7 and 8, where terms are used which are defined terms in the 1984 Act, the definitions in that Act in respect of those terms apply to those Chapters;
- (d) in Chapter 9, where terms are used which are defined terms in the 2014 Act, the definitions in that Act in respect of those terms apply to that Chapter;
- (e) in Chapter 10, where terms are used which are defined terms in the 2004 Act, the definitions in that Act in respect of those terms apply to that Chapter;
- (f) in Chapter 11, where terms are used which are defined terms in the 2011 Regulations, the definitions in those Regulations in respect of those terms apply to that Chapter; and
- (g) in Chapter 12, where terms are used which are defined terms in the 2016 Act, the definitions in that Act in respect of those terms apply to that Chapter.

CHAPTER 2

Procedure in respect of repairing standard applications

Application to contract out of the repairing standard

47. Where a landlord or tenant makes an application under section 18(1) (contracting out with consent of First-tier Tribunal) of the 2006 Act, the application—

- (a) must state—
 - (i) the name, address and registration number (if any) of the landlord;
 - (ii) the name, address and profession of any representative of the landlord;

(1) [S.S.I. 2016/337](#).

(2) [S.S.I. 2016/338](#).

- (iii) the name and address of the tenant; and
- (iv) the name, address and profession of any representative of the tenant;
- (b) must be accompanied by—
 - (i) a copy of the tenancy agreement; and
 - (ii) a copy of the consent given by the other party under the tenancy as required under section 18(2)(a) of the 2006 Act; and
- (c) must be signed and dated by the landlord or tenant or a representative of the landlord or tenant.

Application for determination of whether the landlord has failed to comply with the repairing standard

48.—(1) Where a tenant makes an application under section 22(1) (application in respect of the repairing standard) of the 2006 Act—

- (a) in addition to the tenant's reasons as required by section 22(2) of the 2006 Act (reasons for considering that the landlord has failed to comply with the landlord's duty), the application must state—
 - (i) the name and address of the tenant;
 - (ii) that the application is made under that section;
 - (iii) the name, address, and profession of any representative of the tenant;
 - (iv) the name of the landlord;
 - (v) the address of the landlord or the name, address and profession, if known, of any representative of the landlord;
 - (vi) the landlord's registration number, if known;
 - (vii) the nature of the work requiring to be done; and
 - (viii) that the landlord has been notified of the work under section 22(3) of the 2006 Act;
- (b) the application must be accompanied by—
 - (i) the lease or tenancy agreement, or if these are not available as much information about the tenancy as the applicant can give;
 - (ii) the notification referred to in paragraph (1)(a)(viii) and any subsequent correspondence relating to that notification; and
- (c) the application must be signed and dated by the tenant or by a representative of the tenant.

(2) Where a third party applicant makes an application under section 22(1A) (application in respect of the repairing standard) of the 2006 Act—

- (a) in addition to the third party applicant's reasons as required by section 22(2) of the 2006 Act, the application must state—
 - (i) the name and address of the third party applicant;
 - (ii) that the application is made under that section;
 - (iii) the name and address of the tenant;
 - (iv) the name, address and profession, if known, of any representative of the tenant;
 - (v) whether or not the tenant wants to be a party to the proceedings;
 - (vi) the name of the landlord;
 - (vii) the address of the landlord, or the name, address and profession, if known, of any representative of the landlord;

- (viii) the landlord's registration number, if known;
 - (ix) the nature of the work requiring to be done; and
 - (x) that the landlord has been notified of the work under section 22(3) of the 2006 Act; and
- (b) the application must be accompanied by—
- (i) the lease or tenancy agreement, or if these are not available as much information about the tenancy as the applicant can give; and
 - (ii) the notification referred to in paragraph (2)(a)(x) and any subsequent correspondence available relating to that notification; and
- (c) the application must be signed and dated by the third party applicant or by a representative of the third party applicant.
- (3) Where a property fails to meet the repairing standard in more than one respect, the applicant may raise multiple issues relating to the repairing standard in one application.

Application to order a person to cease obstructing a person from complying with the repairing standard

49. Where a person who is prevented or obstructed from doing anything which he or she is required, authorised or entitled to do under Part 1 of the 2006 Act ("the obstructed person") by another person ("the obstructing person") makes an application under section 57(2) (obstructions etc.) of the 2006 Act, the application must—

- (a) state—
- (i) the name and address of the obstructed person;
 - (ii) the name, address and profession of any representative of the obstructed person; and
 - (iii) the name and address of the obstructing person (where known);
 - (iv) the details of the actions being obstructed and the nature of the obstruction; and
 - (v) the details of actions which the obstructed person is required, authorised or entitled to do; and
- (b) be signed and dated by the obstructed person or a representative of the obstructed person.

Application to appeal against a decision of the landlord

50. Where a tenant makes an application under section 64(6) (Part 1 appeals) of the 2006 Act, the application must—

- (a) state—
- (i) the name and address of the tenant;
 - (ii) the name, address and profession of any representative of the tenant;
 - (iii) the name, address and registration number (if any) of the landlord;
 - (iv) a copy of the landlord's conditional consent or refusal or details of it where not in writing; and
 - (v) the details of the works which the tenant has requested the landlord to carry out; and
- (b) be signed and dated by the tenant or a representative of the tenant.

Need for additional work

51. Where further relevant issues come to light in the course of investigation by the First-tier Tribunal, the tenant or third party applicant may make a further application in respect of those issues, but may not do so until that person has notified the landlord that further work requires to be done for the purposes of compliance with the landlord's duty.

Procedure for further applications

52.—(1) Any application under rule 51 must provide the information set out in rule 48(1) or, as the case may be, rule 48(2), and must follow the same procedure as the original application, except that any time scales applicable may be shortened with the consent of the parties.

(2) If the members of the First-tier Tribunal dealing with the original application are satisfied that it is expedient that the further application be made by way of amendment to the original application, they may allow such an amendment.

(3) The First-tier Tribunal must give suitable directions to the parties to ensure that the amended application is properly and fairly considered.

Inspections

53.—(1) An inspection of the property may be carried out before or during the hearing or after an adjournment of the hearing, or at such stage in relation to consideration of the written representations as the First-tier Tribunal determines.

(2) The First-tier Tribunal may make or commission such further inspections as it considers appropriate to enable it to determine whether or not the work required by a repairing standard enforcement order has been completed adequately, or to decide whether to grant a certificate under section 60 of the 2006 Act in relation to the work required by any such order.

(3) An inspection may be carried out by the First-tier Tribunal, a member of the First-tier Tribunal, or any person authorised to do so by the First-tier Tribunal or the Chamber President.

(4) The First-tier Tribunal must give sufficient written notice of an inspection to the party.

(5) The parties and the representative of each party are entitled to attend the inspection.

Parties to be notified by the First-tier Tribunal

54. The parties to be notified by the First-tier Tribunal under rule 9(1) are, in relation to an application under the 2006 Act, the tenant, the landlord, third party applicants, the obstructed person and the obstructing person.

CHAPTER 3

Procedure in respect of Landlord applications to the First-tier Tribunal

Application for assistance to exercise the landlord's right of entry

55. Where a landlord makes an application under section 28A(1) of the 2006 Act, the application must—

(a) state—

(i) the name and address of the landlord;

(ii) that the application is made under that section;

(iii) the address of the house in respect of which the application is made;

(iv) the name, address and profession of any representative appointed by the landlord;

- (v) a telephone number to enable contact to be made with the landlord or any representative appointed by the landlord and any email address which may be used for such contact;
 - (vi) the landlord registration number of the landlord or that an application for registration has been made in accordance with section 83 of the 2004 Act and has not been determined;
 - (vii) the name, telephone number (if known), and email address (if known) of the tenant;
 - (viii) that the tenant has been notified in writing that the landlord wishes to exercise the landlord's right of entry;
 - (ix) that entry to the house is sought for the purpose of paragraph (a) of section 181(4) of the 2006 Act or of paragraph (b) of that section or of both;
 - (x) whether or not the landlord has, within the 12 months prior to the date of making of the application, made another application under section 28A(1) of the 2006 Act in respect of the same house; and
 - (xi) the name of any person the landlord intends to authorise to enter the house;
- (b) be accompanied by a copy of—
- (i) the lease or the tenancy agreement or, if these are not available, as much information about the tenancy as the landlord can give; and
 - (ii) the notification referred to in paragraph (a)(viii) and any subsequent correspondence relating to that notification; and
- (c) be signed and dated by the landlord or by any representative appointed by the landlord.

Person authorised to enter

56. If the First-tier Tribunal does not consider the person that the landlord intends to authorise to enter the house to be a suitable person, it may allow the landlord to amend the application in this regard.

Decision to assist

57. Where the First-tier Tribunal decides to assist the landlord under subsection (3) of section 28A of the 2006 Act, the notice sent to the landlord and the tenant under subsection (5) of that section must, in addition to the information required under that subsection, state—

- (a) the name and address of the landlord;
- (b) the name and address of the landlord's representative, if any;
- (c) the name of the tenant and the address of the house;
- (d) the name of any person the landlord intends to authorise to enter the house;
- (e) whether the landlord is seeking entry to the house for the purpose of—
 - (i) viewing its state and condition for the purpose of determining whether the house meets the repairing standard;
 - (ii) carrying out any work necessary to comply with the duty in section 14(1)(b) of the 2006 Act; or
 - (iii) both; and
- (f) that if the tenant (without reasonable excuse) fails or refuses, within a reasonable time, to—
 - (i) respond to the First-tier Tribunal, or

- (ii) agree a suitable date and time (or dates and times) for the landlord to exercise the landlord's right of entry,
- the First-tier Tribunal may fix a date and time (or dates and times) for the landlord to exercise the landlord's right of entry.

Stopping assistance

58. Where the First-tier Tribunal makes a decision to stop assisting the landlord under section 28A(7) or section 28C(9) of the 2006 Act, the First-tier Tribunal must notify the landlord and the tenant and that notice must state—

- (a) the name and address of the landlord;
- (b) the name and address of the landlord's representative, if any;
- (c) the name of the person the landlord intended to authorise to enter the house;
- (d) the name of the tenant and the address of the house;
- (e) the reason for the decision; and
- (f) that in terms of section 28A(8) of the 2006 Act the decision to stop assisting the landlord is final.

CHAPTER 4

Procedure in respect of adaptations of rented houses applications

Application to appeal the decision of a landlord in relation to adapting a rented house for a disabled person

59. Where a tenant makes an application under section 66A(1) (appeals in relation to section 52) of the 2006 Act, the application must—

- (a) state—
 - (i) the name and address of the tenant;
 - (ii) the name, address and profession of any representative of the tenant;
 - (iii) the name, address and registration number (if any) of the landlord;
 - (iv) details of the works requested by the tenant; and
 - (v) details of the landlord's decision and reasons for that decision; and
- (b) be signed and dated by the tenant or a representative of the tenant.

Parties to be notified by the First-tier Tribunal

60. The parties to be notified by the First-tier Tribunal under rule 9(1) are, in relation to an application under section 66A(1) of the 2006 Act, the landlord and the tenant.

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.

(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.

CHAPTER 6

Procedure in respect of assured tenancy applications

Application for order for possession in relation to assured tenancies

65. Where a landlord makes an application under section 18(1) (orders for possession) of the 1988 Act, the application must—

- (a) state—
 - (i) the name, address and registration number (if any) of the landlord;
 - (ii) the name, address and profession of any representative of the landlord;
 - (iii) the name and address of the tenant; and
 - (iv) the possession grounds which apply as set out in Schedule 5 of the 1988 Act;
- (b) be accompanied by—
 - (i) a copy of the tenancy agreement (if available) or, if this is not available, as much information about the tenancy as the landlord can give;
 - (ii) a copy of the notice by landlord of intention to raise proceedings for possession of a house let on an assured tenancy;
 - (iii) a copy of the notice to quit served by the landlord on the tenant (if applicable); and
 - (iv) evidence as the applicant has that the possession ground or grounds has been met; and
- (c) be signed and dated by the landlord or a representative of the landlord.

Application for order for possession upon termination of a short assured tenancy

66. Where a landlord makes an application under section 33 (recovery of possession on termination of a short assured tenancy) of the 1988 Act, the application must—

- (a) state—
 - (i) the name, address and registration number (if any) of the landlord;
 - (ii) the name, address and profession of any representative of the landlord; and
 - (iii) the name and address of the tenant;
- (b) be accompanied by a copy of—
 - (i) the tenancy agreement (if available) or, if this is not available, as much information about the tenancy as the landlord can give;

- (ii) the notice by landlord that the tenancy is a short assured tenancy; and
- (iii) the notice given to the tenant under section 33(1)(d) of the 1988 Act; and
- (c) be signed and dated by the landlord or a representative of the landlord.

Application to determine removal expenses

67. Where a landlord and tenant cannot agree the amount payable by the landlord to the tenant under section 22(1) of the 1988 Act, either the landlord or the tenant may make an application under section 22(2) (payment of removal expenses in certain cases) of the 1988 Act and the application must—

- (a) state—
 - (i) the name, address and registration number (if any) of the landlord;
 - (ii) the name, address and profession of any representative of the landlord;
 - (iii) the name and address of the tenant;
 - (iv) the name, address and profession of any representative of the tenant; and
 - (v) the details of the tenant's claim for expenses, reasons for disagreement and proposals for settlement; and
- (b) be signed and dated by the landlord or tenant or a representative of the landlord or tenant.

Application to provide written tenancy agreement and weekly rent book

68. Where a tenant makes an application under section 30(2) (duty of landlord under assured tenancy to provide written tenancy document and weekly rent book) of the 1988 Act, the application must—

- (a) state—
 - (i) the name and address of the tenant;
 - (ii) the name, address and registration number (if any) of the landlord; and
 - (iii) the name, address and profession of any representative of the landlord;
- (b) be accompanied by a copy of the rent book, written tenancy agreement or similar document (if available) or, if this is not available, as much information about the tenancy as the tenant can give; and
- (c) must be signed and dated by the tenant or a representative of the tenant.

Application for damages for unlawful eviction

69. Where a former residential occupier makes an application under section 36(6A) or (6B) (damages for unlawful eviction) of the 1988 Act, the application must—

- (a) state—
 - (i) the name and address of the former residential occupier;
 - (ii) the name, address and profession of any representative of the former residential occupier;
 - (iii) the name and address and registration number (if any) of the landlord; and
 - (iv) the details of the amount of damages sought based on section 37 of the 1988 Act in respect of the loss of the right to occupy the premises; and
- (b) be signed and dated by the former residential occupier or a representative of the former residential occupier.

Application for civil proceedings in relation to an assured tenancy under the 1988 Act

70. Where a person makes any other application to the First-tier Tribunal by virtue of section 16 (First-tier Tribunal's jurisdiction in relation regulated and assured tenancies etc.) of the 2014 Act, the application must—

- (a) state—
 - (i) the name and address of the person;
 - (ii) the name and address of any other party; and
 - (iii) the reason for making the application;
- (b) be accompanied by—
 - (i) evidence to support the application; and
 - (ii) a copy of any relevant document; and
- (c) be signed and dated by the person.

Parties to be notified by the First-tier Tribunal

71. The parties to be notified by the First-tier Tribunal under rule 9(1) are, in relation to an application—

- (a) under section 18(1), 22(2), 30(2) and 33 of the 1988 Act, the landlord and the tenant; and
- (b) under section 36(6A) and (6B) of the 1988 Act, the former residential occupier and the landlord.

CHAPTER 7

Procedure in regulated tenancy references

Regulated tenancy references to the First-tier Tribunal

72. Where the rent officer makes a regulated tenancy reference, it must—

- (a) state the name, address and registration number (if any) of the tenant or landlord;
- (b) be accompanied by a copy of the objection made by the tenant or landlord; and
- (c) be signed and dated by the rent officer.

Inspection of dwellinghouse

73.—(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 dwellinghouse which is the subject of the regulated 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 party or parties and must allow each party and their representative 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 any matter arising from the inspection, re-open the hearing; and if the hearing is to be re-opened rule 24(1) (hearings) 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

74. The parties to be notified by the First-tier Tribunal under rule 9(1) are, in relation to a regulated tenancy reference, the rent officer, the landlord and the tenant.

CHAPTER 8

Procedure in respect of regulated tenancy and Part VII contract applications

Application to determine the statutory tenant after the death of a protected tenant

75. Where a person makes an application under section 3(1)(b) and schedule 1, paragraph 3 or 7 (statutory tenants and tenancies), of the 1984 Act, the application must—

- (a) state—
 - (i) the name and address of the person;
 - (ii) the name, address and profession of any representative of the person;
 - (iii) the name and address and registration number (if any) of the landlord;
 - (iv) the name and date of death of the deceased former tenant; and
 - (v) the names and addresses of all persons related to the deceased former tenant who lived in the house for at least 6 months prior to the death of the deceased former tenant;
- (b) be accompanied by—
 - (i) a copy of the protected tenancy agreement (if available) or, if this is not available, as much information about the tenancy as the person can give; and
 - (ii) a copy of the notice of termination (if available); and
- (c) be signed and dated by the person or a representative of the person.

Application for the apportionment of the rateable value in relation to a protected tenancy

76. Where an owner makes an application under section 7(2) (rateable value and the appropriate day) of the 1984 Act, the application must—

- (a) state—
 - (i) the name and address of the owner;
 - (ii) the name, address and profession of any representative of the owner; and
 - (iii) the name and address of the local authority;
- (b) be accompanied by representations relating to the apportionment of the rateable value; and
- (c) be signed and dated by the landlord or a representative of the owner.

Application for possession

77. Where a landlord makes an application under section 11 (grounds for possession of certain dwelling-houses) of the 1984 Act, the application must—

- (a) state—
 - (i) the name, address and registration number (if any) of the landlord;
 - (ii) the name, address and profession of any representative of the landlord;
 - (iii) the name and address of the tenant; and
 - (iv) the circumstances which apply as specified in any Case in Part I or II of schedule 2 of the 1984 Act;

- (b) be accompanied by—
 - (i) a copy of the notice to quit to the tenant;
 - (ii) a copy of the notice given to the local authority as required under section 12A(1) of the 1984 Act;
 - (iii) a copy of the notice of proceedings; and
 - (iv) evidence that suitable alternative accommodation is available (if applicable); and
- (c) be signed and dated by the landlord or a representative of the landlord.

Application for compensation for misrepresentation or concealment by landlord

78. Where a former tenant makes an application under section 21 (compensation for misrepresentation or concealment in Cases 7 and 8) of the 1984 Act, the application must—

- (a) state—
 - (i) the name and address of the former tenant;
 - (ii) the name, address and profession of any representative of the former tenant; and
 - (iii) the name, address and registration number (if any) of the landlord;
- (b) be accompanied by—
 - (i) evidence of misrepresentation on the part of the landlord; and
 - (ii) a copy of the order for possession; and
- (c) be signed and dated by the former tenant or a representative of the former tenant.

Application to evict an occupier upon termination of a tenancy

79. Where an owner makes an application under section 23 (prohibition of eviction without due process of law) of the 1984 Act, the application must—

- (a) state—
 - (i) the name, address and registration number (if any) of the owner;
 - (ii) the name, address and profession of any representative of the owner; and
 - (iii) the name and address of the occupier;
- (b) be accompanied by—
 - (i) a copy of the tenancy agreement or, if this is not available, as much information about the tenancy as the owner can give; and
 - (ii) evidence that—
 - (aa) the tenancy has ended; or
 - (bb) the tenant has died; and
- (c) be signed and dated by the owner or a representative of the owner.

Application to adjust recoverable rent

80. Where a landlord or tenant makes an application under section 31(2) (adjustment, with respect to services and furniture, of recoverable rent for statutory periods before registration) of the 1984 Act, the application must—

- (a) state—
 - (i) the name, address and registration number (if any) of the landlord;
 - (ii) the name, address and profession of any representative of the landlord;

- (iii) the name and address of the tenant; and
- (iv) the name, address and profession of any representative of the tenant;
- (b) be accompanied by a copy of the tenancy agreement (if available) or, if this is not available, as much information about the tenancy as the landlord or tenant can give; and
- (c) be signed and dated by the landlord or tenant or a representative of the landlord or tenant.

Application to amend a rent increase notice

81. Where a landlord makes an application under section 32(4) (notices of increase) of the 1984 Act, the application must—

- (a) state—
 - (i) the name, address and registration number (if any) of the landlord;
 - (ii) the name, address and profession of any representative of the landlord;
 - (iii) the name and address of the tenant; and
 - (iv) the reasons for seeking amendment to the notice of increase;
- (b) be accompanied by a copy of the rent increase notice; and
- (c) be signed and dated by the landlord or a representative of the landlord.

Application to rectify a rent book after determination of recoverable rent

82. Where a tenant makes an application under section 39 (rectification of rent books in light of determination of recoverable rent) of the 1984 Act, the application must—

- (a) state—
 - (i) the name and address of the tenant;
 - (ii) the name, address and profession of any representative of the tenant; and
 - (iii) the name, address and registration number (if any) of the landlord;
- (b) be accompanied by—
 - (i) a copy of the record of determination of recoverable rent; and
 - (ii) a copy of the rent book or similar document; and
- (c) be signed and dated by the tenant or a representative of the tenant.

Application to determine the rent limit

83. Where a landlord or tenant makes an application under section 60 (supplemental to sections 55 to 59) of the 1984 Act, the application must—

- (a) state—
 - (i) the name, address and registration number (if any) of the landlord;
 - (ii) the name, address and profession of any representative of the landlord;
 - (iii) the name and address of the tenant; and
 - (iv) the name, address and profession of any representative of the tenant;
- (b) be accompanied by—
 - (i) copies of the relevant tenancy or lease agreements (if available) or, if this is not available, as much information about the tenancy as the landlord or tenant can give; and

- (ii) copies of the relevant rent adjustment notices (if available); and
- (c) be signed and dated by the landlord or tenant or a representative of the landlord or tenant.

Application for apportionment of the rateable value in relation to a Part VII contract

84. Where a lessor or lessee makes an application under section 64(6) (dwelling-houses to which Part VII applies) of the 1984 Act, the application must—

- (a) state—
 - (i) the name, address and registration number (if any) of the lessor;
 - (ii) the name, address and profession of any representative of the lessor;
 - (iii) the name and address of the lessee; and
 - (iv) the name, address and profession of any representative of the lessee;
- (b) be accompanied by representations relating to the apportionment of the rateable value; and
- (c) be signed and dated by the lessor or lessee or a representative of the lessor or lessee.

Application to reduce the period of a notice to quit

85. Where a lessor makes an application under section 75 (power of First-tier Tribunal, in action for possession, to reduce period of notice to quit) of the 1984 Act, the application must—

- (a) state—
 - (i) the name, address and registration number (if any) of the lessor;
 - (ii) the name, address and profession of any representative of the lessor;
 - (iii) the name and address of the lessee; and
 - (iv) the paragraph of section 74(2) of the 1984 Act relating to the lessee's default;
- (b) be accompanied by evidence of the lessee's default; and
- (c) be signed and dated by the lessor or a representative of the lessor.

Application to postpone the date of possession in relation to Part VII contracts

86. Where a lessor makes an application under section 76 (notice to quit relating to later Part VII contracts) of the 1984 Act, the application must—

- (a) state—
 - (i) the name, address and registration number (if any) of the lessor;
 - (ii) the name, address and profession of any representative of the lessor;
 - (iii) the name and address of the lessee; and
 - (iv) the reasons for the postponement of the date of possession; and
- (b) be signed and dated by the lessor or a representative of the lessee.

Application to recover unlawful premiums and loans

87. Where a person makes an application under section 88 (recovery of premiums and loans unlawfully required or received) of the 1984 Act, the application must—

- (a) state—
 - (i) the name and address of the person;
 - (ii) the name, address and profession of any representative of the person; and

- (iii) the name, address and registration number (if any) of the landlord;
- (b) be accompanied by—
 - (i) a copy of the premium or loan agreement (if available); and
 - (ii) evidence of an unlawful payment to be recovered; and
- (c) be signed and dated by the person or a representative of the person.

Application to modify a tenant’s right to shared accommodation

88. Where a landlord makes an application under section 97(8) (provisions where tenant shares accommodation with persons other than landlord) of the 1984 Act, the application must—

- (a) state—
 - (i) the name, address and registration number (if any) of the landlord;
 - (ii) the name, address and profession of any representative of the landlord;
 - (iii) the name and address of the tenant; and
 - (iv) the details of the termination of rights or modification proposed;
- (b) be accompanied by a copy of the occupancy agreement or, if this is not available, as much information about the occupancy as the landlord can give; and
- (c) be signed and dated by the landlord or a representative of the landlord.

Application to alter the amount of rent where the right to shared accommodation is modified

89. Where a landlord or tenant makes an application under section 97(9) (provisions where tenant shares accommodation with persons other than landlord) of the 1984 Act, the application must—

- (a) state—
 - (i) the name, address and registration number (if any) of the landlord;
 - (ii) the name, address and profession of any representative of the landlord;
 - (iii) the name and address of the tenant;
 - (iv) the name, address and profession of any representative of the tenant; and
 - (v) the details of the change in circumstances or increase in rent; and
- (b) be signed and dated by the landlord or tenant or a representative of the landlord or tenant.

Application to determine the application of the 1984 Act

90. Where a landlord or tenant makes an application under section 102(A1) (jurisdiction) of the 1984 Act, the application must—

- (a) state—
 - (i) the name, address and registration number (if any) of the landlord;
 - (ii) the name, address and profession of any representative of the landlord;
 - (iii) the name and address of the tenant;
 - (iv) the name, address and profession of any representative of the tenant;
 - (v) the details of the question regarding the application of the 1984 Act; and
- (b) be signed and dated by the landlord or tenant or a representative of the landlord or tenant.

Application for civil proceedings in relation to a regulated tenancy or Part VII contract under the 1984 Act

91. Where a person makes any other application to the First-tier Tribunal by virtue of section 16 (First-tier Tribunal's jurisdiction in relation regulated and assured tenancies etc.) of the 2014 Act, the application must—

- (a) state—
 - (i) the name and address of the person;
 - (ii) the name and address of any other party; and
 - (iii) the reason for making the application;
- (b) be accompanied by—
 - (i) evidence to support the application; and
 - (ii) a copy of any relevant document; and
- (c) be signed and dated by the person.

Parties to be notified by the First-tier Tribunal

92. The parties to be notified by the First-tier Tribunal under rule 9(1) are in relation to an application—

- (a) under section 3(1)(b) and schedule 1, paragraph 3 or 7 of the 1984 Act, the person who meets the requirements in paragraph 3 or 7, any other person who meets the requirements in paragraph 3 or 7 and the landlord;
- (b) under section 7(2) of the 1984 Act, the owner and the local authority;
- (c) under section 11, 23, 31(2), 32(4), 39, 60, 97(8) and (9) and 102(A1) of the 1984 Act, the landlord and the tenant;
- (d) under section 21 of the 1984 Act, the former tenant and the landlord;
- (e) under sections 64(6), 75 and 76 of the 1984 Act, the lessor and lessee;
- (f) under section 88 of the 1984 Act, the person who has paid a premium and the landlord; and
- (g) under section 92(2) of the 1984 Act, the person whose application for registration is refused or who is removed from the register and the local authority.

CHAPTER 9

Procedure in respect of letting agent applications

Application for extension of time limit to determine application for registration as a letting agent

93. Where the Scottish Ministers make an application under section 33(3) (time limit for determining application) of the 2014 Act, the application must—

- (a) state—
 - (i) the address of the Scottish Ministers;
 - (ii) the name, address and profession of any representative of the Scottish Ministers;
 - (iii) the name, address and registration number (if any) of the person applying for registration as a letting agent;
 - (iv) the reasons why an extension is sought; and
 - (v) the date of receipt by the Scottish Ministers of the application under section 32 of the 2014 Act; and

- (b) be signed and dated by the Scottish Ministers or a representative of the Scottish Ministers.

Application to appeal decision by the Scottish Ministers to refuse to register or removal from register

94. Where a person makes an application under section 41(1) (appeals) of the 2014 Act, the application must—

- (a) state—
 - (i) the name, address and letting agent registration number (if any) of the person;
 - (ii) the name, address and profession of any representative of the person;
 - (iii) the address of the Scottish Ministers;
 - (iv) the decision of the Scottish Ministers under section 32 (to refuse to enter that person in the register or to renew that person’s existing entry in the register) or under section 39 (to remove that person from the register) of the 2014 Act;
 - (v) the date the person was notified of that decision; and
 - (vi) the reasons why a person is appealing the decision of the Scottish Ministers;
- (b) be made before the end of the period of 21 days beginning with the date of the notification of the decision; and
- (c) be signed and dated by the person or a representative of the person.

Application to enforce letting agent code of practice

95. Where a tenant or landlord makes, or the Scottish Ministers make, an application under section 48(1) (applications to First-tier Tribunal to enforce code of practice) of the 2014 Act, the application must—

- (a) state, in addition to the applicant’s reasons as required under section 48(3) of the 2014 Act—
 - (i) the name and address of the tenant, landlord or the Scottish Ministers;
 - (ii) the name, address and profession of any representative of the tenant, landlord or the Scottish Ministers;
 - (iii) the name, address and letting agent registration number (if any) of the letting agent;
 - (iv) the name, address and profession, if known, of any representative of the letting agent; and
 - (v) information as to any loss suffered by the applicant as a result of the failure to comply;
- (b) be accompanied by a copy of the notification to the letting agent as required under section 48(4) of the 2014 Act; and
- (c) be signed and dated by the applicant or a representative of the applicant.

Parties to be notified by the First-tier Tribunal

96. The parties to be notified by the First-tier Tribunal under rule 9(1) are, in relation to an application—

- (a) under section 33(3) of the 2014 Act, the Scottish Ministers and the person applying for registration as a letting agent;
- (b) under section 41(1) of the 2014 Act, either—

- (i) the registered letting agent who has been removed from the register or had an application for registration refused; or
- (ii) the person whose application for registration as a letting agent is refused, and the Scottish Ministers; and
- (c) under section 48(1) of the 2014 Act, the tenant, landlord (if a party to the proceedings) or the Scottish Ministers and the letting agent.

Letting agent enforcement orders

97.—(1) Where the First-tier Tribunal varies or revokes a letting agent enforcement order under section 49 of the 2014 Act, it will notify both parties in writing.

(2) Where the First-tier Tribunal notifies the Scottish Ministers under section 50(2) of the 2014 Act that a letting agent has failed to comply with a letting agent enforcement order, it will send both parties a copy of that notification.

CHAPTER 10

Procedure in respect of landlord registration applications

Application for an extension of time limit to determine application for registration as a landlord

98. Where the local authority makes an application under section 85B(3)(3) (time limit for determining application) of the 2004 Act, the application must—

- (a) state—
 - (i) the name and address of the local authority;
 - (ii) the name, address and profession of any representative of the local authority;
 - (iii) the name, address and registration number (if any) of the person applying for landlord registration; and
 - (iv) the date of receipt of the application under section 83 of the 2004 Act; and
- (b) be signed and dated by the local authority or a representative of the local authority.

Application to appeal against refusal to register or removal from register

99. Where a person makes an application under section 92(2) (appeal against refusal to register or removal from register) of the 2004 Act, the application must—

- (a) state—
 - (i) the name, address and registration number (if any) of the person;
 - (ii) the name, address and profession of any representative of the person;
 - (iii) the name and address of the local authority;
 - (iv) the decision of the local authority and the date the person was notified of that decision; and
 - (v) the reasons why a person is appealing the decision of the local authority; and
- (b) be signed and dated by the person or a representative of the person.

(3) Section 85B is not yet in force.

Application to appeal against a decision of the local authority to serve a notice that no rent is payable

100. Where a relevant person on whom a notice under section 94 (circumstances in which no rent to be payable) of the 2004 Act is served makes an application under section 97(1) (appeals) of the 2004 Act, the application must—

- (a) state—
 - (i) the name and address of the person;
 - (ii) the name, address and profession of any representative of the person; and
 - (iii) the name and address of the local authority;
- (b) be accompanied by a copy of the notification to the person who has the use as a dwelling of the house to which the notice relates as required under section 97(4) of the 2004 Act; and
- (c) be signed and dated by the relevant person or a representative of the relevant person.

Application to revoke a notice that no rent is payable

101. Where a local authority makes a decision refusing to revoke a notice under section 95(2) (notices under section 94: revocation) of the 2004 Act and a person having an interest makes an application under section 97(2) (appeals) of the 2004 Act, the application must—

- (a) state—
 - (i) the name and address of the person;
 - (ii) the name, address and profession of any representative of the person; and
 - (iii) the name and address of the local authority;
- (b) be accompanied by a copy of the notification to the person who has the use as a dwelling of the house to which the notice relates as required under section 97(4) of the 2004 Act; and
- (c) be signed and dated by the relevant person or a representative of the relevant person.

Parties to be notified by the First-tier Tribunal

102. The parties to be notified by the First-tier Tribunal under rule 9(1) are, in relation to an application—

- (a) under section 85B(3)(4) of the 2004 Act, the local authority and the relevant person;
- (b) under section 92(2) of the 2004 Act, the person whose application for registration is refused or who is removed from the register and the local authority;
- (c) under section 97(1) of the 2004 Act, the person who has been served with a notice under section 94 of the Act and the local authority; and
- (d) under section 97(2) of the 2004 Act, a person whose application for the revocation of a notice under section 94 of the 2004 Act has been refused and the local authority.

(4) Section 85B is not yet in force.

CHAPTER 11

Procedure in respect of tenancy deposit applications

Application for order for payment where landlord has not paid the deposit into an approved scheme

103. Where a tenant or former tenant makes an application under regulation 9 (court orders) of the 2011 Regulations, the application must—

- (a) state—
 - (i) the name and address of the tenant or former tenant;
 - (ii) the name, address and profession of any representative of the tenant or former tenant; and
 - (iii) the name, address and registration number (if any) of the landlord;
- (b) be accompanied by a copy of the tenancy agreement (if available) or, if this is not available, as much information about the tenancy as the tenant or former tenant can give;
- (c) evidence of the date of the end of the tenancy (if available); and
- (d) be signed and dated by the tenant or former tenant or a representative of the tenant or former tenant.

Parties to be notified by the First-tier Tribunal

104. The parties to be notified by the First-tier Tribunal under rule 9(1) are, in relation to an application under regulation 9 of the 2011 Regulations, a tenant or former tenant and the landlord.

CHAPTER 12

Procedure in respect of private residential tenancy applications

Application to draw up terms of tenancy

105. Where the tenant makes an application under section 14(1) (to draw up terms where written terms have not been provided) of the 2016 Act, the application must—

- (a) state—
 - (i) the name and address of the tenant;
 - (ii) the name, address and profession of any representative of the tenant; and
 - (iii) the name, address and registration number (if any) of the landlord;
- (b) be accompanied by—
 - (i) a copy of the notification to the landlord as required under section 14(3) of the 2016 Act; and
 - (ii) a statement of the terms of the tenancy agreed between the landlord and tenant, whether verbally or in writing; and
- (c) be signed and dated by the tenant or a representative of the tenant.

Application to draw up terms of tenancy where statutory term is unlawfully displaced

106. Where a person makes an application under section 14(2) (to draw up terms where statutory term is unlawfully displaced) of the 2016 Act, the application must—

- (a) state—

- (i) the name, address and registration number (if any) of the tenant or landlord;
 - (ii) the name, address and profession of any representative of the tenant or landlord;
 - (iii) the name and address of the other party to the private residential tenancy;
 - (iv) which of the statutory terms the tenant considers has been displaced; and
 - (v) the reasons why the tenant considers the statutory term has been displaced;
- (b) be accompanied by—
- (i) a copy of the written terms of tenancy or, if this is not available, as much information about the tenancy as the person can give; and
 - (ii) evidence to support that a statutory term has been unlawfully displaced; and
- (c) be signed and dated by the tenant or landlord or a representative of the tenant or landlord.

Application for payment order where landlord has failed to provide information

107. Where the tenant makes an application under section 16(1) (to sanction failure to provide information) of the 2016 Act, the application must—

- (a) state—
- (i) the name and address of the tenant;
 - (ii) the name, address and profession of any representative of the tenant;
 - (iii) the name, address and registration number (if any) of the landlord; and
 - (iv) that the landlord has failed to provide the tenant with (either or both)—
 - (aa) a document setting out all the terms of the tenancy required under section 10(5);
 - (bb) information required under section 11, of the 2016 Act;
- (b) be accompanied by a copy of the notice given to the landlord under section 16(3)(c) of the 2016 Act; and
- (c) be signed and dated by the tenant or a representative of the tenant.

Application to appeal rent set by the rent officer

108. Where a tenant or landlord makes an application under section 28(1) (to appeal the rent set by the rent officer) of the 2016 Act, the application must—

- (a) state—
- (i) the name, address and registration number (if any) of the tenant or landlord;
 - (ii) the name, address and profession of any representative of the tenant or landlord;
 - (iii) the name and address of the other party to the private residential tenancy; and
 - (iv) the reasons why the applicant is appealing against the rent officer's order;
- (b) be accompanied by—
- (i) a copy of the rent officer's order; and
 - (ii) a copy of the rent-increase notice upon which the referral to the rent officer was based; and

(5) An application under rule 107 in relation to the landlord's failure to provide the terms of the tenancy may only be made as part of an application under rule 105 in accordance with section 16(3)(b) of the Private Housing (Tenancies) (Scotland) Act 2016 (asp 19).

- (c) be signed and dated by the tenant or landlord or a representative of the tenant or landlord.

Application for an eviction order

109. Where a landlord makes an application under section 51(1) (for an eviction order) of the 2016 Act, the application must—

- (a) state—
 - (i) the name, address and registration number (if any) of the landlord;
 - (ii) the name, address and profession of any representative of the landlord;
 - (iii) the name and address of the tenant; and
 - (iv) the ground or grounds for eviction;
- (b) be accompanied by—
 - (i) evidence showing that the eviction ground or grounds has been met;
 - (ii) a copy of the notice to leave given to the tenant as required under section 52(3) of the 2016 Act; and
 - (iii) a copy of the notice given to the local authority as required under section 56(1) of the 2016 Act; and
- (c) be signed and dated by the landlord or a representative of the landlord.

Application for a wrongful termination order

110. Where a former tenant makes an application under section 57(2) (wrongful termination by eviction order) or section 58(2) (wrongful termination without eviction order) of the 2016 Act, the application must—

- (a) state—
 - (i) the name and address of the former tenant;
 - (ii) the name, address and profession of any representative of the former tenant; and
 - (iii) the name, address and registration number (if any) of the former landlord;
- (b) be accompanied by evidence showing that the tenancy was unlawfully terminated; and
- (c) be signed and dated by the former tenant or a representative of the former tenant.

Application for civil proceedings in relation to a private residential tenancy

111. Where a person makes any other application to the First-tier Tribunal by virtue of section 71(1) (First-tier Tribunal's jurisdiction) of the 2016 Act, the application must—

- (a) state—
 - (i) the name and address of the person;
 - (ii) the name and address of any other party; and
 - (iii) the reason for making the application;
- (b) be accompanied by—
 - (i) evidence to support the application; and
 - (ii) a copy of any relevant document; and
- (c) be signed and dated by the person.

Parties to be notified by the First-tier Tribunal

112. The parties to be notified by the First-tier Tribunal under rule 9(1) are, in relation to an application made under a section of the 2016 Act, the landlord (or former landlord) and the tenant (or former tenant).