

## 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 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—

*Status: This is the original version (as it was originally made).*

- (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(1);
    - (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
- (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

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(1) 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).

- (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).