

## 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 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;

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- (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;

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- (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;

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- (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.