

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 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.