

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 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;
 - (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.

Commencement Information

II Sch. para. 47 in force at 1.12.2017, see [reg. 1\(2\)](#)

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;

Changes to legislation: There are currently no known outstanding effects for the The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, CHAPTER 2. (See end of Document for details)

- (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.

Commencement Information

12 Sch. para. 48 in force at 1.12.2017, see [reg. 1\(2\)](#)

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.

Commencement Information

I3 Sch. para. 49 in force at 1.12.2017, see [reg. 1\(2\)](#)

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.

Commencement Information

I4 Sch. para. 50 in force at 1.12.2017, see [reg. 1\(2\)](#)

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.

Commencement Information

I5 Sch. para. 51 in force at 1.12.2017, see [reg. 1\(2\)](#)

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.

Commencement Information

I6 Sch. para. 52 in force at 1.12.2017, see [reg. 1\(2\)](#)

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.

Commencement Information

I7 Sch. para. 53 in force at 1.12.2017, see [reg. 1\(2\)](#)

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.

Commencement Information

I8 Sch. para. 54 in force at 1.12.2017, see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, CHAPTER 2.