

### **SAL Factsheet: The First-tier Tribunal for Scotland (Housing and Property Chamber)**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (HPC) is an independent and impartial judicial body separate from the Scottish Government and local authorities.

On 1<sup>st</sup> December 2017 new legislation came into force which means that applications in respect of private rented sector civil cases are now dealt with by the HPC rather than the Sheriff Court. These cases include: -

1. Repossession cases – applications from landlords who wish to repossess their let properties
2. Wrongful/unlawful termination cases – applications from tenants who believe their tenancy has been terminated incorrectly
3. Deposit cases – applications from tenants who believe that their landlord has failed to comply with tenancy deposit legislation
4. Letting agent cases – applications from landlords or tenants who believe that their letting agent has not adhered to the Letting Agent Code of Practice (which comes into force 31<sup>st</sup> January 2018)
5. Landlord registration cases – including appeals from landlords who have been refused registration or removed from the register by a local authority

This new caseload is in addition to work that the HPC already dealt with prior to 1<sup>st</sup> December 2017, including: -

1. Repairs cases - applications from tenants (or local authorities) who believe that their landlord has not complied with the Repairing Standard
2. Right of Entry cases - applications from landlords for help in enforcing their right of entry to fulfil their duties under the Repairing Standard
3. Property Factor cases - applications from property owners who are in dispute with their property factor
4. Rent cases - determination of issues relating to the amount of rent paid by a tenant in certain circumstances

Applications to the HPC are free of charge and landlords and tenants are expected to represent themselves rather than using a solicitor.

Hearings will normally be held in a public venue within reasonable travelling distance for both parties. The HPC hearing will be run and determined by a panel which will usually comprise a solicitor who specialises in tenancy legislation and at least one property/housing expert. Hearings are conducted as informally as possible.

A decision is not normally given at the hearing, but a written decision giving reasons will be issued soon after. All decisions made by the HPC (other than those related to right of entry applications) are published on its website.

Appeals for all First-tier tribunal HPC cases are made to the Upper Tribunal for Scotland. Before an appeal can be submitted to the Upper Tribunal, permission to appeal must be sought from the First-tier Tribunal. More information on appeals can be found at <https://housingandpropertychamber.scot/who-we-are/appeals-and-reviews>.

**Further information**

Detailed guidance information, template application forms and details of previous decisions made by the HPC can be found on its website at [www.housingandpropertychamber.scot](http://www.housingandpropertychamber.scot).

If you require more information you can contact the HPC directly:  
First-tier Tribunal Housing and Property Chamber  
4<sup>th</sup> Floor, 1 Atlantic Quay, 45 Robertson Street. GLASGOW G2 8JB  
Tel: 0141 302 5900

**SAL members receive free advice from the SAL helpline  
via 0131 564 0100 or by email [advice@scottishlandlords.com](mailto:advice@scottishlandlords.com)**

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