



## Guidance for making an application to the prhp under section 22(1) of the Housing Scotland Act 2006

An application to the **prhp** under section 22(1) of the Housing (Scotland) Act 2006 for a determination of whether your landlord has failed in his duty to meet the Repairing Standard **must** be made in writing. The **prhp** application form (**prhp1**) guides you through the information you need to provide. If you do not provide all the information required by paragraph 3 of the Private Rented Housing Panel (Applications and Determinations) (Scotland) Regulations 2007 we will not be able to process your application.

Your application must be made in English, or accompanied by a certified translation.

The form should be completed in black ink and block capitals, ticking all appropriate boxes that apply.

A copy of your application will be sent to your landlord.

### 1. Details of the tenant

Please supply your name and contact details as requested in this section.

You are not required to give a telephone number or email address, but you are advised to do so. This information allows us to contact you at short notice should this be necessary.

### 2. Details of your representative helping you with this application

You can deal with your case yourself or you can ask someone to represent you. However, please note that if you pay someone to represent you, you will not be able to reclaim those costs even if your application is successful.

If you intend to be represented by a third party in your application, please give full details of the person who will be acting on your behalf.

**2g.** If you tick “yes” to this question all further correspondence will be sent to your named representative and not to you. If you do not want this to happen, you should tick “no”.

If at any point you no longer wish to be represented, or you change your representative, you must inform us in writing immediately providing the name and address of any new representative. You must also notify your landlord. On receipt of your notification, we will send all future correspondence directly to you or your new representative if you have one.

### 3. Details of your landlord

Please provide as much information regarding your landlord as you can in this section.

**3b.** If you do not have your landlord’s name because you rent your property through a letting agency or other third party, please give the name and address of that agency or third party.

## 4. Details of your complaint

**Your application cannot be accepted by the prhp if you have not notified your landlord that the work specified in the application requires to be carried out.** The landlord's duty to comply with the repairing standard only applies where the landlord is aware that the work is required. Before you can make an application to the **prhp** you **must** have given notice to your landlord telling him or her that the work specified in the application needs to be carried out.

**4a.** Please provide a copy of your lease, tenancy agreement or rent book. We will keep these documents until a final decision has been reached. They will be returned to you after your case has been concluded. If you are unable to provide these documents, please provide us with as much information about your tenancy as you can on a separate sheet of paper. Please put your name and address at the top of the paper so that it is clearly identified as being part of your application.

**4b.** When submitting your application, you must produce evidence to show that you have notified your landlord that the work specified in your application needs to be carried out. This could be a copy of correspondence between you and your landlord relating to the repair issue. When writing to your landlord, it is a good idea to keep a copy of your letter and post it by **Recorded Delivery** post. You can then produce your copy letter and the recorded delivery certificate as proof of notification.

In order to comply with the duty, the landlord must carry out any necessary work within a reasonable time. What constitutes a "reasonable time" will depend upon the nature of the work required.

**4c.** Please tick the box or boxes which best describe(s) your repairing issue(s). You can tick as many as apply. You must give details in the space provided of how your landlord has failed to meet the repairing standard. If you need to, you can continue on a separate sheet of paper. If you do, please put your name and address at the top of the paper so that it is clearly identified as being part of your application.

## 5. Nature of the work required

In section 5, please tell us what work you think is required in order to bring your property up to the repairing standard, giving as much detail as you can. Please provide details of the extent of the problem, and tell us how it affects your living conditions. If the problem is affecting your health, please tell us about that too, and, if possible, attach evidence of that, e.g. a letter from your GP.

## 6. Mediation

The President has the power to delay referring the case to a **prhc** (a Committee) where "there is a reasonable prospect of the dispute being resolved by the parties". This might be appropriate if, for example, it appears that there has been a simple misunderstanding that could be sorted out.

The **prhp** will also offer the option of mediation. Mediation is a way of settling disputes informally, which gives parties the opportunity of reaching an agreement that suits them both with the help of a trained mediator. Mediation is practical, confidential, quick and free. Many people find mediation a less stressful way of resolving disputes than proceeding to a hearing. Please take the time to read the **prhp** guide on mediation which explains the process in more detail. If you indicate that you wish to attend mediation, we will contact your landlord to ask if they agree. Mediation will only go ahead if both parties agree to it.

If mediation goes ahead, but does not resolve the issue, the application will be referred to a Committee just as if mediation had not taken place.

## 7. Signature

Please complete the declaration as directed, remembering to attach the documentation requested in section 4. Indicate by ticking the boxes that you have included this information with your application.