



Refusal or Revocation or an Application to Register under the Private Sector Landlord Legislation – Appeal Process

Registration Application Refused or Revoked

When an application to register under the Private Sector Landlord Registration legislation is refused or revoked, the applicant will be advised in writing of this decision and the reasons for it.

Decisions on whether landlords should be entered on the register are based on a judgement as to whether a landlord is 'fit and proper' to be letting houses. In making this judgement, all information relevant to the question of whether a landlord is 'fit and proper' is considered. This information includes:

- Evidence of involvement in fraud, dishonesty, violence or drugs, unlawful discrimination in any business activity, or contraventions of housing or landlord and tenant law.
- Evidence of any action (or failure to act) in relation to antisocial behaviour.

If you are unsure about the reasons for the refusal/revocation you should contact the Homelessness and Advice Section immediately on 01856873535.

Appeal Against a Decision to Refuse or Revoke a Registration Application

Where a landlord has been refused, or had their application revoked, by the Homelessness and Advice Section, they have the right to appeal this decision. An appeal must be submitted within 21 days of the date of the decision.

Appeals should be submitted in writing to the Head of Community Learning, Leisure and Housing at the address below:

- Orkney Islands Council, School Place, Kirkwall, Orkney, KW15 1NY.

If you wish to talk to the Head of Community Learning, Leisure and Housing directly, you should say this in your letter.

If the Head of Community Learning, Leisure and Housing upholds the decision to refuse or revoke their application then the landlord will have the right to appeal to the

Sheriff Court, using the summary application process, as determined by the Anti-Social Behaviour etc (Scotland) Act 2004, Section 92. Should this appeal be unsuccessful the landlord can appeal to the Sheriff Principal within 21 days of the verdict.

Assistance with Appeals

Advice and assistance with appealing a decision to refuse or revoke an application is available from the Citizens Advice Bureau. To make an appointment telephone 01856875266.

Alternatively you may wish to seek advice from another advice centre or consult a solicitor.

If you have any questions or concerns about any of the information contained in this leaflet, please feel free to contact the Homelessness and Advice Section at the contact details below.

Housing Services

- Orkney Islands Council, School Place, Kirkwall, Orkney, KW15 1NY.
- Telephone: 01856873535.

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