

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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### First-tier Tribunal for Scotland (Housing and Property Chamber)

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 50 of the Housing (Scotland) Act 2014 (“the 2014 Act”)

Chamber Ref: FTS/HPC/LA/23/1539

#### Parties:

Anthony Grayson, 3 Hollywood Court, Oathall Road, Haywards Heath, West Sussex; Vincent Grayson, 8 Castle Close, Sunbury on Thames, Middlesex (“the Applicants”)

Premier Property Letting & Management Ltd, 20 Mote Hill, Hamilton (“the Respondent”)

#### Tribunal Members:

Josephine Bonnar (Legal Member)  
Helen Barclay (Ordinary Member)

### DECISION

The Tribunal determined that the Respondent has failed to comply with the Letting Agent Enforcement Order (“LAEO”) dated 27 January 2024 and that the Tribunal must notify the Scottish Ministers of that failure in terms of Section 50(2) of the 2014 Act.

The decision is unanimous.

#### Background

1. The Applicants lodged an application in terms of Rule 95 of the Tribunal Procedure Rules 2017 and Section 48(1) of the 2014 Act. A Legal Member of the Tribunal with delegated powers of the President referred the application to the Tribunal. The parties were notified that a case management discussion (“CMD”) would take place on 15 August 2023 at 10am by telephone conference call. The CMD took place on 15 August 2023. The Applicants participated. The Respondent was not represented and did not lodge a written submission or contact the Tribunal prior to the CMD .
2. A hearing took place by WeBex on 11 January 2024. The Applicants participated. The Respondent did not participate and was not represented.

The Respondent did not contact the Tribunal before the hearing or lodge written representations.

3. Following the hearing, the Tribunal determined that the Respondent had failed to comply with the Code and issued a LAEO. In terms of the Order, the Tribunal required the Respondent to pay the Applicants the sum of £1825 as compensation for the inconvenience and losses suffered as a result of the breaches of the Code, within 28 days of intimation of the LAEO.
4. The LAEO was issued to the parties on 30 January 2024. On 28 February 2024, the parties were asked to confirm whether the Respondent had complied with the LAEO. On 5 March 2024, the Applicants notified the Tribunal that they had not heard from the Respondent and had not received the sum specified in the Order. The Respondent did not respond or provide any information or evidence regarding compliance with the Order.

### **Reasons for Decision**

5. Section 50 of the 2014 Act states, “ (1) The First-tier Tribunal may, after the period within which a letting agent enforcement order requires steps to be taken, review whether the letting agent has complied with the order. (2) If the Tribunal decides that the letting agent has failed to comply with the letting agent enforcement order it must notify the Scottish Ministers of that failure. (3) But the Tribunal may not make such a decision if it is satisfied that the letting agent has a reasonable excuse for failing to comply.”
6. The Tribunal notes the following:-
  - (a) The LAEO was issued to the Applicants and the Respondent on 30 January 2024.
  - (b) The Respondent was required to comply with the order within 28 days of intimation.
  - (c) On 28 February 2024, the parties were asked to confirm whether the Respondent had complied with the Order.
  - (d) On 5 March 2024, the Applicants notified the Tribunal that they had not received the sum specified in the Order.
  - (e) The Respondent did not provide the Tribunal with any information or evidence regarding compliance and has not contacted the Tribunal to offer any explanation or excuse for non-compliance.
7. The Tribunal is therefore satisfied that the Respondent has failed to comply with the LAEO and that the failure to comply must be notified to the Scottish Ministers.

## **Appeals**

**In terms of Section 46 of the Tribunals (Scotland) Act 2014, a party aggrieved by the decision of the tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.**

Josephine Bonnar, Legal Member

27 March 2024.