

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**



### **Decision and Certificate of Compliance with Letting Agent Enforcement Order in terms of Section 50 of the Housing (Scotland) Act 2014**

**Case Reference Number: FTS/HPC/LA/19/0180**

#### **The Parties:**

**Executor of the Late Carol Osborne, Mrs Thomasina Osborne, Flat 6, 8 Arran Place, Clydebank, G81 2PT ("the Applicant")**

**Vanilla Square, 711 Great Western Road, Botanics, Glasgow, G12 8QX ("the Respondents")**

**Tribunal members: Melanie Barbour (Legal Member) and Helen Barclay (Ordinary Member)**

#### **Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal'), having determined that the Letting Agent has complied with the Letting Agent Enforcement Order ('LAEO') dated 24 April 2019, certifies that the Letting Agent has complied with the LAEO.

The tribunal's decision is unanimous.

#### **Reasons for decision**

1. The tribunal issued a decision to the parties on 26 April 2019. The tribunal found that the Letting Agent had failed to comply with paragraphs 19, 32, 40, 107, 108, 112, 113, 119, 123, 124 and 125 of the Letting Agent Code of Practice ('the Code') and issued a Letting Agent Enforcement Order (LAEO) on the same date.
2. The LAEO required the Letting Agent, within 30 days of the date of service of the order to do the following:
  - a) To pay the Applicant the sum of £795.00 in respect of rent owed to her;
  - b) To pay to the Applicant the sum of £444.00 in respect of a deduction made from rent paid, as shown on the rental account (account as at 5/7/2017) for works which the Applicant did not agree to or know about; and

- c) To pay to the Applicant the sum of £895.00 in compensation for the loss suffered as a result of the said failures.
3. Evidence was received by email sent on 8 May 2019 from the Respondent that LAEO would be complied with, said email advised that
- a) The unpaid rent of £795 has now been paid to the Applicant and has been acknowledged/confirmed. The rent was paid less a Management Fee and the net figure was £718.68.
- b) They accepted that we would reimburse the sum of £444.00 for unauthorised work with this amount deducted from the Applicant.
- c) They would pay the sum of £895.00 by way of compensation.
4. The tribunal then wrote to both parties, asking them to confirm whether they agreed that the actions required by the LAEO had been completed. Both parties responded, confirming that the actions had been completed.
5. On the basis of the evidence before it, the tribunal is satisfied that the Letting Agent has complied with the terms of the LAEO. It therefore issues this certificate of compliance.

#### Rights of Appeal

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.

~~Chairperson~~

MELANIE BARBOUR

21.6.19 Date