

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 49 of the Housing (Scotland) Act 2014 (Act) and the Rules of Procedure 2017 (contained in Schedule 1 of the Chamber Procedure Regulations 2017 (SSI No.328)) (Rules)

Chamber Ref: FTS/HPC/LA/19/1601

Parties:

Mrs Gillian McKay (“the Applicant”)

Fineholm Letting Services Limited (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member) and Elizabeth Currie (Housing Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (the Tribunal) determined that the Respondent has complied with the Letting Agent Enforcement Order (LAEO) made on 11 October 2019.

Background

Whereas in terms of their decision dated 11 October 2019, The First-tier Tribunal for Scotland (Housing and Property Chamber) (**Tribunal**) determined that the Respondent had failed to comply with the Letting Agent Code of Practice (**Code**) and issued the LAEO of the same date requiring:-

- 1. The Respondent within 21 days of the date of service of the LAEO to lodge with the Tribunal and copy to the Applicant:**
 - (a) Written Procedures and processes for exercising entry to Properties;**
 - (b) Full details of the training provided to staff regarding the exercise of entry to let Properties by whom and to whom; and**
 - (c) The Respondent’s Letting Agent Registration.**

and

A handwritten signature in black ink, appearing to be a stylized 'A' or similar character.

2. The Respondent to pay to the Applicant the sum of £1,200 by way of compensation for the unlawful exercise of entry on 22 May 2019 and the anxiety and distress occasioned to the Applicant and her family.

The Respondent has submitted that there has been compliance with the LAEO. No response has been received from the Applicant.

Reasons

The Tribunal considered that there had been compliance with the LAEO under reference to the information produced by the Respondent in response to the LAEO. It also appeared that payment of the relevant compensation had been made.

The Decision of the Tribunal was unanimous.

Right of Appeal

In terms of Section 46 of the Tribunal (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.

A Strain

24 December 2019

Legal Member/Chair

Date