

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Decision and Certificate of Compliance with Letting Agent Enforcement Order in terms of Section 50(1) of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/LA/19/2280

**Wallace View, Ferry Road, South Alloa, Falkirk, FK7 7LF
("the House")**

The Parties:-

**Mr Kenneth Kendall-Ball, Nyadd Cottage, Blair Drummond, Stirling, FK9 4UN
("the Applicant")**

**RKH Property Management Limited trading as Martin & Co, 14 King Street, Stirling,
FK8 1AY
("the Letting Agent")**

Letting Agent Registration Number: LARN1903080

The Tribunal:-

**Gillian Buchanan, Legal Member & Chair
Eileen Shand, 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 15 October 2019 , certifies that the Letting Agent has complied with the LAEO.

Reasons for Decision

1. The tribunal issues a decision to the parties on 15 October 2019 which determined that the Letting Agent had failed to comply with the Letting Agent Code of Practice ("the Code of Practice"), in particular:-
 - Section 2, paragraph 27;
 - Section 4, paragraphs 45, 46 and 70; and
 - Section 5, paragraph 85.
2. The tribunal therefore issued a Letting Agent Enforcement Order ("LAEO") also dated 15 October 2019 setting out the steps the Letting Agent must take by the date specified in the LAEO including payment of compensation to the Applicant for his loss occasioned by the Letting Agent's failures. The steps required by the LAEO were:-

Pay to the Applicant the amount of £6,083.76, as compensation for the loss suffered by the Applicant as a result of the failures to comply with the Code, that sum comprising:-

- i. £183.70 being the costs incurred by the Applicant to "5th Gear Hire Drive" to facilitate moving to the House;
- ii. £1,520.06 being the costs incurred by the Applicant to "Doree Bonner" in removing from the House;
- iii. £230.00 being the costs incurred by the Applicant in installing and relocating a TV aerial at the House;
- iv. £150.00 being the pet deposit paid by the Applicant to the Letting Agent in terms of the Tenancy Agreement dated 1 February 2019 and retained by the Letting Agent;
- v. £1,500.00 being the rent paid by the Applicant to the Letting Agent in terms of the Tenancy Agreement dated 1 February 2019;
- vi. £2,500.00 in respect of the delay, stress, worry and inconvenience suffered by the Applicant.

The tribunal ordered that the payment specified in the LAEO must be paid over and completed within a period of 14 days from the date of service of the LAEO.

3. By email dated 20 December 2019 the Letting Agent advised the tribunal that he had made payment to the Applicant.
4. By email dated 17 January 2020 the Applicant confirmed receipt of payment.
5. The tribunal therefore determined that the LAEO had been complied with. The decision of the tribunal was unanimous.

Right of Appeal

6. **A landlord, tenant or third party applicant aggrieved by the decision of the Tribunal may seek permission to appeal from the Upper Tribunal on a point of law only within 30 days of the date the decision was sent to them.**

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Legal Member & Chair

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