

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/19/1036

The Parties:

Mr William Murray, 130 Oldwood Place, Livingston, EH54 6UX ("the Applicant")

Elliott Estates, 1037 Sauchiehall Street, Glasgow, G3 7TZ ("the Letting Agent")

Tribunal members:

Neil Kinnear (Legal Member) and Ahsan Khan (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 30th May 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 30th May 2019. The Tribunal found that the Letting Agent had failed to comply with paragraphs 66 and 105 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 14 days from the date of service of the order to do the following:
 - 1) Pay to the Applicant within fourteen days from the date of service of the letting agent enforcement order the sum of £525.00 as compensation for loss suffered by the Applicant as a result of the failure to comply;
 - 2) Provide to the Tribunal within fourteen days from the date of service of the letting agent enforcement order details of its application for letting

agent registration, including the date when application was made and the progress of the application.

3. Evidence received that LAEO has been complied with:
 - 1) E-mail to the Tribunal from the Applicant dated 25th July 2019 confirming payment of £525.00 by the Letting Agent to the Applicant.
 - 2) The Letting Agent Registration team have confirmed to the Tribunal that the Letting Agent's application for registration was received on 1st October 2018, and advised that the application is still being considered and that they are awaiting compliance with the LAEO before they approve the application.
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. Neither party responded to indicate that the actions had not been completed in terms of the LAEO.
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

Neil Kinnear, Legal Member

12th August 2019