

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Letting Agent Enforcement Order (LAEO): Section 48(7) of the Housing (Scotland) Act 2014 (“The Act”)

Chamber Ref: FTS/HPC/LA/19/1036

Property at 88 Burnvale, Livingston, EH54 6DQ (“the House”)

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 Chair)

Ahsan Khan (Ordinary Member)

Whereas in terms of their decision dated 30th May 2019, The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Letting Agent has failed to comply with the Letting Agent Code of Practice (“The Code”) and in particular that the Letting Agent has failed to comply with the following aspects of the Code:-

Paragraph 66 in respect that it failed to lodge the tenancy deposit on the Applicant’s behalf, and failed to ensure compliance with the legislation, and paragraph 105 in respect that it failed to take reasonable steps to come to an agreement with the tenant about deposit repayment;

The Tribunal now requires the Letting Agent to take such steps as are necessary to rectify the failures listed above.

The Tribunal requires the Letting Agent to:-

- 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.

The Tribunal orders that the steps specified in this Order must be carried out and completed within the period of 14 days from the date of service of this Order.

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.

Please note that in terms of section 51(1) of the Act, a Letting Agent who, without reasonable excuse, fails to comply with an LAEO commits an offence liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Neil Kinnear

Legal Member and Chair

Date: 13 June 2019