

Housing and Property Chamber

First-tier Tribunal for Scotland



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

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

Chamber Ref: FTS/HPC/LA/21/2904

15 Bailie Drive, Bearsden, Glasgow, G61 3AL (“the Property”)

The Parties:-

Mr Stuart Anderson, 146 Frederick Crescent, Port Ellen, Islay, PA42 7BD (“the Applicant”)

Tay Letting, 8 Eagle Street, Craighall Business Park, Glasgow, G4 9XA (“the Letting Agent”)

Whereas, in terms of its decision of 8th March 2023, the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) has determined that the Letting Agent failed to comply with paragraphs 17, 19, 20, 21, 26, 27, 73, 74, 89, 90, 91 and 94 of the Code of Practice for Letting Agents (“the Code”) as required by the Housing (Scotland) Act 2014 (“the Act”), the Tribunal issues a Letting Agent Enforcement Order (“LAEO”) as follows:

Letting Agent Enforcement Order

1. The Letting Agent must pay to the Applicant within 21 days of the issue of this Order the sum of £3,850 which constitutes the refund of the management fees.
2. The Letting Agent must pay to the Applicant within 21 days of the issue of this Order the sum of £500 in respect of the cost of repairing damage to the Property as a result of the Letting Agent’s failures to comply with the Code.
3. The Letting Agent must pay to the Applicant within 21 days of the issue of this Order the sum of £1,000 in respect of distress and inconvenience caused to the Applicant due to the failures of the Letting Agent to comply with the Code

Right 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.

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

Legal Member and Chairperson
9th March 2023