



Letting Agent Enforcement Order (“LAEO”)

Section 48(7) of the Housing (Scotland) Act 2014 (“the Act”)

Chamber Ref: FTS/HPC/LA/19/1402

Parties:

Gillian Banford, 18 Dunavon Crescent, Strathaven, Lanarkshire, ML10 6HB (“the Applicant”)

Hanlon Clark Properties, formerly at 8 Main Street, Strathaven, Lanarkshire, ML10 6AJ and now at Burnbank Farm, Hamilton, ML3 7XP (“the Respondents”)

Tribunal Members: Melanie Barbour (Legal Member) and James Battye (Ordinary Member)

Whereas in terms of their decision of 20 August 2019 the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondents have failed to comply with paragraphs 16, 17, 19, 26, 32, 76, 78, 79, 102, 107, 108, 110, 124, 125 and 127 of the Letting Agent Code of Practice

The Tribunal requires that the Respondents to take the following steps:-

- a. To complete a rent reconciliation in respect of the tenant (Tenant 2) who moved out of the property in May 2018 and provide a copy of the said rent reconciliation to the Tribunal and the Applicant;
- b. To pay the Applicant the sum of £57.66 in respect of rent owed to the Applicant;
- c. To pay to the Applicant the sum of £34.60 in respect of a management fee; and
- d. To pay to the Applicant the sum of £600.00 in compensation for the inconvenience suffered by the Applicant as a result of the failures of the letting agent to discharge their obligations in accordance with the Letting

Agents Code of Practice from 31 January 2018 until the Applicant ceased using the Respondents as her letting agent in March 2019.

Such steps to be carried out within 30 days of service of this Order.

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.

Melanie Barbour Legal Member

20 August 2019
Date