

# 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/19/3272**

**24/2 Springwell Place, Edinburgh EH11 2HY  
 (“the Property”)**

**The Parties:-**

**Mr Gary McMillan, 40 Broomhall Crescent, Edinburgh EH12 7PF  
 (“the Applicant”)**

**D J Alexander, 1 Wemyss Place, Edinburgh EH3 6DH  
 (“the Respondent”)**

**Letting Agent Registration Number: LARN1812026**

**Tribunal Members:**

**Graham Harding (Legal Member)**

**Ann Moore (Ordinary Member)**

Whereas in terms of their decision dated 20 January 2020, 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 :-

21. You must carry out the services you provide to landlords or tenants using reasonable care and skill and in a timely way.

24. You must maintain appropriate records of your dealings with landlords, tenants and prospective tenants. This is particularly important if you need to demonstrate how you have met the Code’s requirements.

27. You must inform the appropriate person, the landlord or tenant (or both) promptly of any important issues or obligations on the use of the property that you become aware of, such as a repair or breach of the tenancy agreement

74. If you carry out routine visits/inspections, you must record any issues identified and bring these to the tenant's and landlord's attention where appropriate (see also paragraphs 80 to 84 on property access and visits, and paragraphs 85 to 94 on repairs and maintenance).

75. Breaches of the tenancy agreement must be dealt with promptly and appropriately and in line with the tenancy agreement and your agreement with the landlord.

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. To make payment to the Applicant the sum of £1300.00 within 14 days of the date of service of the LAEO.
2. To make a written apology to the Applicant acknowledging the worry and distress caused by its failure to carry out an inspection of the property in 2018, the breaches of the Code and any inconvenience caused by its delay in attending the hearing and that also within 14 days of the date of service of the LAEO

The Tribunal order that the payment 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.**

 Legal Member and Chair

20 January 2020      Date