

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/18/0746

**12B West Kirk Street, Airdrie
("the House")**

The Parties:-

**Mr Derek Ivimy, Broomlea Cottage, Heath Lane, Albury Heath, GU5 9DD
("the Applicant")**

**Letting Airdrie Limited trading as Location, Company number SC507545, 4d Auchingramont Road, Hamilton, ML3 6JT
("the Letting Agent")**

Letting Agent Registration Number: None

Tribunal Members:

Gillian Buchanan (Legal Member and Chair)

Mary Lyden (Ordinary Member)

Whereas in terms of their decision dated 18 September 2018, 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 :-

- Section 2, paragraph 26, 32(o) and 32(p);
- Section 7, paragraph 108; and
- Section 8, paragraphs 120, 124, 126 and 132.

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:-

Pay to the Applicant the amount of £793.47, as compensation for the loss suffered by the Applicant as a result of the failures to comply with the Code, that sum comprising:-

- i. £584.88 being client monies held by the Letting Agent and due to the Applicant; and

- ii. £208.59 in respect of the delay, worry and inconvenience suffered by the Applicant.

The Tribunal orders that the payment specified in this Order must be paid over 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.

Gillian Buchanan

Legal Member and Chair

18 September 2018