

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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**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")**

**Reference number: FTS/HPC/LA/19/0485**

**The Parties:**

**Andrew McKenzie, 4/3 82 Barrland Street, Glasgow, G41 1AJ ("the Applicant")**

**Central letting Services Ltd, 737 Pollockshaws Road, Glasgow, G41 2AA ("the Letting Agent")**

**Tribunal Members:**

**Josephine Bonnar (Legal Member)**

Whereas in terms of the decision dated 1 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 :-

**Section 47**

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

The Tribunal requires the Letting Agent to: -

1. Review and revise its procedures for tenancy applications to remove any requirement that an administration fee or charge is to be paid where it is determined that a guarantor is required, and to provide evidence of this to the Tribunal,

2. Refund the sum of £90 to the Applicant, and
3. Pay the sum of £100 to the Applicant as compensation for the loss and inconvenience caused by the breach of the Code.

The Tribunal order that the steps and payment specified in this Order must be carried out and completed within the period 28 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.**

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Josephine Bonnar, Legal Member and Chair

1 May 2019