

Housing and Property Chamber First-tier Tribunal for Scotland



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

**Decision and Certificate of Compliance with Letting Agent Enforcement Order
in terms of Section 50 of the Housing (Scotland) Act 2014**

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)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal'), having determined that the Letting Agent has complied with the Letting Agent Enforcement Order ("LAEO") dated 20 January 2020, certifies that the Letting agent has complied with the LAEO.

The Tribunal's decision is unanimous.

Reasons for Decision

1. The tribunal issued a decision to parties on 20 January 2020. The Tribunal found that the Letting Agent had failed to comply with paragraphs 21, 24, 27, 74 and 75 of the Letting Agent Code of Practice ("the Code") and issued a Letting Agent Enforcement Order ("LAEO") on the same date.
2. The LAEO required the Letting Agent to do the following:-

- 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
3. Evidence received that the LAEO has been complied with:-
- 1) Email from the Respondent dated 3 February 2020 advising they had carried out the requirements of the LAEO.
4. The Tribunal then wrote to both parties asking them to confirm whether they agreed that the actions required by the LAEO had been completed and received confirmation from the Applicant by email dated 5 February 2020 that he considered the matter to be closed. The Respondent's representative confirmed by Order Compliance response dated 2 March 2020 that the matter was completed.
5. On the basis of the evidence before it, the Tribunal is satisfied that the letting Agent has complied with the terms of the LAEO. It therefore issues this certificate of compliance.

Rights 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.

Graham Harding

Chairperson

12 March 2020

Date