

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**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**

**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)**

### **DECISION**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Letting Agent has complied with the Letting Agent Enforcement Order (“LAEO”) dated 1 May 2019 certifies that the Letting Agent has complied with the LAEO.

### **Reasons for Decision**

1. By decision dated 1 May 2019 the Tribunal found that the Letting Agent had failed to comply with the Letting Agent Code of Practice (“the Code”). The Tribunal issued a Letting Agent Enforcement Order (“LAEO”) also dated 1 May 2019. The LAEO required the Letting Agent within 28 days of service of the order to -
  - a) Review and revise its procedures for tenancy application 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,

- b) Refund the sum of £90 to the Applicant, and
  - c) Pay the sum of £100 to the Applicant as compensation for the loss and inconvenience caused by the breach of the Code.
2. On 12 June 2019 the Letting Agent notified the Tribunal that it had complied with the LAEO. On 24 June 2019 the Applicant notified the Tribunal that the Letting Agent had complied with the LAEO. On 9 August 2019 the Letting Agent lodged with the Tribunal an amended set of terms and conditions for tenancy applications. The Tribunal noted that this new version makes no reference to a charge or fee being imposed, should a guarantor be required.
  3. The Tribunal is therefore satisfied that the letting Agent has complied with the LAEO and issues this certificate of compliance.

### **Right 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.**

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Josephine Bonnar, Legal Member  
11 August 2019