



**First-tier Tribunal for Scotland (Housing and Property Chamber) Decision with Statement of Reasons and Certificate of Compliance of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 50 (1) of the Housing (Scotland) Act 2014 (“the 2014 Act”)**

**Chamber Ref: FTS/HPC/LA/24/0365**

**Re: Property at 26 Rockwell Place, Dundee, DD3 6UZ**

**Parties**

**Mrs. Melody McKay Burton residing at 50, Whitecroft Road, Meldreth, Cambridgeshire, SG8 6LR (“the Applicant”)**

**Belovoir Dundee, top floor, India Buildings, 36, Bell, Street, Dundee, DD1 1HN (“the Respondent”)**

**Tribunal Members:**

**Karen Moore (Legal Member) and Nick Allan (Surveyor and Ordinary Member)**

**DECISION**

The Tribunal determined that the Respondent has now complied with the Letting Agent Enforcement Order (“LAEO”) dated 21 May 2024.

**Background**

1. By application received on 23 January 2024 (“the Application”) the Applicant applied to the First-tier Tribunal for Scotland (Housing and Property Chamber) for a determination that the Respondent had failed to comply with the Code of Practice for Letting Agents (“the Code”).
2. Following a Case Management Discussion which took place on 30 April 2024 at 2pm by telephone conference call, the Tribunal made a Decision in terms of Rule 17(4) of the Tribunal Rules that the Respondent had failed to comply with the Code and issued an LAEO.

3. The LAEO required the Respondent to take the following steps to rectify its failures:
  - i) To make payment to the Applicant of the sum of TWO THOUSAND THREE HUNDRED pounds Sterling (£2,300.00) and orders that this sum be paid direct to the Applicant no later than 30 June 2024 and
  - ii) To evidence to the Tribunal that this sum has been paid as ordered.
4. The LAEO was issued to the Parties on 21 May 2024. On 1 July 2024 and on expiry of the date set for compliance, the Parties were asked to confirm if the Respondent had complied with the LAEO. The Applicant notified the Tribunal by email dated 2 July 2024 that she had not heard from the Respondent and had not received the sum specified in the Order. The Respondent did not provide any information or evidence to the Tribunal regarding compliance with the Order.
5. By Decision dated 25 July 2024, the Tribunal was satisfied that the Respondent has failed to comply with the LAEO and that the failure to comply must be notified to the Scottish Ministers.

#### **Further Information.**

6. By email dated 1 August 2024, the Applicant advised the Tribunal that she had received payment of the sum of £2,300.00 from the Respondent.

#### **Decision and Reasons for the Decision**

7. Having been advised that the Respondent has now made payment of the sum ordered in the LAEO, the Tribunal is now satisfied that the LAEO has been complied with and issues this Certificate of Compliance.
8. This decision is unanimous

#### **Appeals**

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.

Signed



Karen Moore, Chairperson

6 August 2024

