



Decision and statement of reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 48(7) of the Housing (Scotland) Act 2014.

Reference number: FTS/HPC/PF/23/0050

The Parties:

**Mrs Amber Smith, Balclutha, Nether Drumgley, Forfar DD8 1QZ (“the Applicant”)
DJ Alexander, 1 Wemyss Place, Edinburgh, EH3 6DH (“the Respondent”)**

**Legal Member: Lesley Anne Ward
Ordinary Member: David Fotheringham**

1. Decision

The Tribunal having determined that the Letting Agent Enforcement Order dated 14 June 2023 (‘LAEO’) has been complied with, certifies that the Respondent has complied with the LAEO.

Reasons for the Decision

2. On 14 June 2024 the Tribunal issued a LAEO in the following terms:

This notice shall be read in conjunction with the Decision and Statement of Reasons of today’s date and under the above reference. The tribunal determined that the respondent has failed to comply with paragraphs 21,32j),78,93,102,107 and 110 of the Letting Agent Code of Practice.

The Tribunal accordingly makes the following letting agent enforcement order:

Within 30 days of their receipt of this Letting Agent Enforcement order the Respondent DJ Alexander shall:

- (1) Pay the applicant the sum of eight hundred and ninety nine pounds sixty pence hundred pounds (£899.60) in respect of her losses and inconvenience arising out of their failure to comply with the Letting Agent Code of Practice.
- (2) Provided a copy of their terms of business.
- (3) Satisfy the tribunal that all clients including historical clients who have transferred from previous letting agents such as Fineholm, have been given a copy of the terms of business.
- (4) Provide to the Tribunal Chamber evidence of their compliance with this order.

3. The Respondent appealed the Tribunal decision and the Upper Tribunal quashed parts (2) and (3) of the LAEO. The Respondent paid the sum of £899.60 to the Applicant on 16 June 2023. The Applicant has confirmed that she received this sum. The LAEO has therefore been complied with in full.

3. The Tribunal therefore issues this Certificate of Compliance. No further action is required by the Respondent in terms of the LAEO.

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.

Lesley A Ward

3 September 2024

Legal Member

Date