

Housing and Property Chamber

First-tier Tribunal for Scotland



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/23/2370

The Parties:

Mr Frank Damesi, 56 Spring Garden, First Floor, Aberdeen, AB25 1GN (“the Applicant”)

Stonehouse Lettings - Aberdeen, Stonehouse Lettings - Aberdeen, Neo House, Riverside Dr, Aberdeen, AB11 7DG; CO Stonehouse Lettings, Neospace, Riverside Drive, Aberdeen, AB11 7LH (“the Respondent”)

Tribunal Members: Alison Kelly (Legal Member) and Nick Allan (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 25th June 2024, 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 the parties on 25th June 2024. The Tribunal found that the Letting Agent had failed to comply with paragraphs 19, 108 and 112 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, within 30 days of the date of service of the order to do the following:
 - (a) report the matter to the Respondent’s insurer;
 - (b) Pay to the Applicant the amount of £250, as compensation for the loss suffered by the Applicant as a result of the failure to comply with the Code.

3. Evidence received that LAEO has been complied with

- a) on 23rd July 2024 the Respondent sent an email to the Tribunal confirming that the sums had been paid and they had reported the matter to their insurer
 - b) On 27th August 2024 the Applicant confirmed by email that he had received the sum of £250 but that the matter had not been reported to the insurers
 - c) On 16th September 2024 the Respondent sent an email attaching an email from their broker confirming that the matter had been reported and giving claims reference numbers
4. 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
ithin 30 days of the date the decision was sent to

.....24/09/2024.....Date

