

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Letting Agent Enforcement Order (LAEO): Section 48(7) of the Housing (Scotland) Act 2014 (“The Act”)

Chamber Ref: FTS/HPC/LA/23/3255

Property: 34 Sir William Wallace Wynd, Old Aberdeen, AB24 1UW (“the property”)

The Parties:-

Ms Jill Brangan, 19 Tanfield Walk Aberdeen AB24 4AN (“the Applicant”)

Caroline Walker Leasing, The Basement no 3, 1-3 Albyn Terrace, Aberdeen AB10 1 YP (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member)
Robert Buchan (Ordinary Member)

Whereas in terms of their decision dated 15 October 2024 The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the Tribunal’) determined that the Letting Agent has failed to comply with the Letting Agent Code of Practice (“The Code”) and in particular that the Letting Agent has failed to comply with the following aspects of the Code :-

Section 2 - paragraphs 19 and 26, Section 5 paragraph 90 and Section 6 paragraph 100

The Tribunal now requires the Letting Agent to take such steps as are necessary to rectify the failure(s) listed above.

The Tribunal requires the Letting Agent to:-

1. Pay to the applicant the amount of £750.00, as compensation for the loss suffered by the applicant as a result of the failure to comply with the Code.

2. To make a written apology to the Applicant acknowledging the worry and distress caused by its breaches of the Code

The Tribunal order that the steps and payment specified in this Order must be carried out and completed within the period of 30 days from the date of service of this Order.

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.

Please note that in terms of section 51(1) of the Act, a Letting Agent who, without reasonable excuse, fails to comply with an LAEO commits an offence liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Graham Harding Legal Member and Chair

16 October 2024 Date