

# Housing and Property Chamber

## First-tier Tribunal for Scotland



### 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**

**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)**

### **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 16 October 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 parties on 18 October 2024 and a corrected decision on 15 November 2024. The Tribunal found that the Letting Agent had failed to comply with Section 2 - paragraphs 19 and 26 and Section 5 paragraph 90 and Section 6 paragraph 100 of the Letting Agent Code of Practice (“the Code”) and issued a Letting Agent Enforcement Order (“LAEO”) on 18 October 2024.
2. The LAEO required the Letting Agent to do the following:-

- 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 required the Letting Agent to comply with the terms of the order within 30 days.

Evidence received that the LAEO has been complied with:-

3. By email dated 18 October 2024 the Applicant requested a review of the Tribunal's decision and by its decision dated 10 November 2024 the Tribunal refused the Applicant's request.
4. The Tribunal subsequently by email dated 15 November 2024 issued a corrected decision to the parties.
5. The Tribunal then wrote to both parties asking them to confirm whether they agreed that the actions required by the LAEO had been completed.
6. By emails dated 18 and 26 November 2024 the Applicant confirmed that she had received payment of the sum awarded and received an apology but did not accept the Respondent had complied with the terms of the LAEO as the apology was received on 21 November and was therefore outwith the 30-day time period allowed. The Respondent by email dated 21 November 2024 submitted it had complied with the order.
7. 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. The Tribunal accepts that the apology sent to the Applicant was sent four days late however the Tribunal is satisfied that the Respondent has complied with the essential parts of the order and does not consider that the interests of justice would be served by continuing this application any further.

### **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 seek permission to appeal within 30 days of the date the decision was sent to them.



Graham Harding

Chairperson

20 December 2024

Date