

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/23/3998

Re: Property at 58 Mearns Drive, Stonehaven, AB39 2ES (“the Property”)

Parties:

Mr Andrew Gray, 9 Dunnottar Avenue, Stonehaven, Aberdeenshire, AB39 2JD (“the Applicant”)

Aberdein Considine, 5-9 Bon Accord Crescent, Aberdeen, AB11 6DN (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member) and Angus Anderson (Ordinary Member)

Whereas in terms of their decision dated 19 November 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 aspect of the Code :

- **Paragraphs 70, 90, 93 and 103**

the Tribunal now requires the Letting Agent to take such steps as are necessary to rectify the failures listed above.

The Tribunal requires the Letting Agent to:-

- (i) to make payment to the Applicant by way of compensation in the sum of £250.

The Tribunal orders that the actions required at (i) must be completed within the period of 28 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.

Ruth O'Hare

Legal Member and Chair
19 November 2024