



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

Letting Agent Enforcement Order: Housing (Scotland) Act 2014 Section 48(7)

Chamber Ref: FTS/HPC/LA/22/3417

Re: Property at 2 Silver Birch Gardens, Glasgow, G51 4EE (“the Property”)

Parties:

Mr Muhammad Amjad residing at 48 Roundhouse Circle, Renfrew, PA4 8FL (“the Applicant”), represented by Mr Waleed Amjad also residing at 48 Roundhouse Circle, Renfrew, PA4 8FL

Saqsaa Real Estate Limited, incorporated under the Companies Acts (SC648529), 3 Wyvis Place, Newton Mearns, Glasgow, G77 5FP (“the First Respondent”) & Saqsaa Limited, incorporated under the Companies Acts (SC434423) (“the Second Respondent”) together between them trading as Safe Lettings (“the Respondent”)

Letting Agent Registration Number: LARN1906012

Tribunal Members:

Ewan Miller (Legal Member) and Gerard Darroch (Ordinary Member)

DECISION The Tribunal determined that the Respondent has failed to comply with the Letting Agent Enforcement Order (“LAEO”) dated 29 December 2023 and that the Tribunal must notify the Scottish Ministers of that failure in terms of Section 50(2) of the 2014 Act.

The decision is unanimous.

Background

1. The Applicant lodged an application in terms of Rule 95 of the Tribunal Procedure Rules 2017 and Section 48(1) of the 2014 Act complaining about the Respondent.
2. Following a hearing a decision was issued on 31 March 2023 as subsequently amended in December 2023 to add the Second Respondent. The Decision determined that the Respondent had breached various aspects of the Letting

Agent Code of Conduct, particularly in relation to the handling and non-payment of monies due to the Applicant. The Tribunal found that the Respondent was due the Applicant the sum of £4939. The Tribunal also issued a Letting Agent Enforcement Order requiring payment of the said sum of £4939 within 30 days

3. Following expiry of the 30 day period in the LAEO the parties were contacted for confirmation as to whether the LAEO had been complied with and the monies paid from the Respondent to the Applicant. The Applicant confirmed that they had not heard from the Respondent and had not received the sum specified in the Order. The Respondent did not respond or provide any information or evidence regarding compliance with the Order.

Reasons for Decision

4. Section 50 of the 2014 Act states:-

“(1) The First-tier Tribunal may, after the period within which a letting agent enforcement order requires steps to be taken, review whether the letting agent has complied with the order.

(2) If the Tribunal decides that the letting agent has failed to comply with the letting agent enforcement order it must notify the Scottish Ministers of that failure.

(3) But the Tribunal may not make such a decision if it is satisfied that the letting agent has a reasonable excuse for failing to comply.”

5. The Tribunal noted the following:-

(a) The LAEO was issued to the Applicants and the Respondent on 05 January 2024.

(b) The Respondent was required to comply with the order within 30 days of intimation.

(c) On being asked, the Applicant confirmed that the LAEO had not been complied with. No monies had been paid by the Respondent.

(d) The Respondent did not provide the Tribunal with any information or evidence regarding compliance and has not contacted the Tribunal to offer any explanation or excuse for non-compliance.

6. In the absence of any evidence to the contrary from the Respondent, the Tribunal is therefore satisfied that the Respondent has failed to comply with the LAEO and that the failure to comply must be notified to the Scottish Ministers.

7. **Appeals 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.

29 January 2025

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Ewan Miller, Legal Member

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Date