

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

Chamber Ref: FTS/HPC/LA/24/1857

Property address: 2/3 275 Bell Street, Glasgow G4 0SL

Parties:

Mx Charlotte Sometimes, 2/3 275 Bell Street, Glasgow G4 0SL (“the Applicant”)

Be-Rented, 2 North Kirklands, Eaglesham Road, Glasgow G76 0NT (“the Respondent”)

Tribunal Members:

Sarah O'Neill (Legal Member) and Helen Barclay (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the Tribunal’), having determined that the Respondent has complied with the Letting Agent Enforcement Order (‘LAEO’) dated 23 May 2025, certifies that the Respondent has complied with the LAEO.

The Tribunal’s decision is unanimous.

Reasons for decision

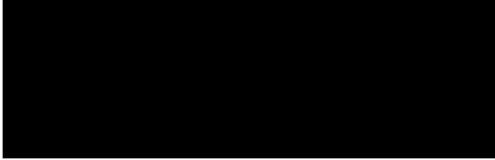
1. The Tribunal issued a decision to the parties on 23 May 2025. The Tribunal found that the Respondent had failed to comply with paragraph 72 of the Letting Agent Code of Practice (‘the Code’), and issued a Letting Agent Enforcement Order (LAEO) on the same date.
2. The LAEO required the Respondent to do the following, within 28 days of the date of service of the order:

- (a) Issue a formal written apology to the Applicant in respect of the Respondent's failure to comply with paragraph 72 of the Code.
 - (b) Pay to the Applicant the sum of £100 as compensation for the inconvenience caused to them as a result of the Respondent's breach of the Code.
 - (c) Provide written evidence to the Tribunal of its compliance with (a) and (b) above.
3. The decision and order were sent to the parties on 28 May 2025.
 4. On 6 June 2025, an email was received from the Applicant seeking permission to appeal the Tribunal's decision.
 5. On 10 June 2025, an email was received from the Respondent enclosing a letter of apology dated 9 June 2025 addressed to the Applicant. In that letter, the Respondent asked the Applicant to provide her bank details to allow for the compensation payment to be paid by bank transfer.
 6. The Tribunal refused the Applicant permission to appeal in its decision of 23 June 2025.
 7. On 3 July 2025, a further email was received from the Respondent. Attached to this was an email from the Respondent to the Applicant dated 3 July 2025, again asking the Applicant for her bank details in order to transfer the £100 into their account. Also attached was a response from the Applicant stating that they had deducted £100 from that month's rent.
 8. The Tribunal finds that the Respondent has complied with items a) and b) of the LAEO, in light of the above. The Tribunal notes that the evidence of compliance with the LAEO was not sent within 28 days of the date the decision was sent to the parties, as required. This was received, however, within 36 days of that date, on 3 July 2025.
 9. Moreover, the letter of apology was sent to the Applicant well within the required timescale. It also appears that the Respondent had been waiting for some time for the Applicant to provide bank account details, in order to make payment of the £100. The Respondent may also have been awaiting the outcome of the Applicant's permission to appeal application before making the payment.
 10. The Tribunal is satisfied that the Respondent 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 seek permission to appeal within 30 days of the date the decision was sent to them.



.....Date 15 July 2025.....

Sarah O'Neill, Legal Member and Chair