



Decision and Certificate of Compliance with Letting Agent Enforcement Order under Section 50(1) of the Housing (Scotland) Act 2014

Reference numbers: FTS/HPC/LA/20/0241 & FTS/HPC/20/0246

The Parties:

Mr John Brown, Inchyra Kippen Road, Fintry, Glasgow, G63 0PL (“the Applicant”)

Mr Allan Bate & Mr Kevin Valentine, Care of Stirling Property Shop, SPS Property Management Ltd, 20 Stewarton Road, Kilmarnock, KA3 4AD (“the Respondents”), and

Stirling Property Shop, SPS Property Management Ltd, 20 Stewarton Road, Kilmarnock, KA3 4AD, (“ SPS the Respondents”)

1. Tribunal Members:

Karen Kirk (Legal Member) and Leslie Forrest (Ordinary Member)

2. Decisions of the Tribunal in respect of both Applications.

Application 0241

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) having made enquiries as it saw fit for the purposes of determining whether the Letting Agency has complied with the Code of Practice for Letting Agents as required by the Housing (Scotland) Act 2014 (“the 2014 Act”), determines unanimously that;

- 1. Mr Alan Bate and Mr Kevin Valentine carried out Letting Agency work whilst unregistered in terms of section 61 of the 2014 Act and in doing so failed to comply with the Code of Practice at Paragraphs 17,18,21,27,29a)-c), 30,32a)-q),33,34,40,54,65,70,96,107,110,112,121,122a)-b),126 and 130**
- 2. It was appropriate to order the payment of compensation in respect of those breaches of the code in terms of Section 48 of the 2014 Act by Mr Alan Bate and Mr Kevin Valentine to the Applicant for the sum of £10,000.**

Application 0246

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that having made enquiries as it saw fit for the purposes of determining whether the Letting Agency has complied with the Code of Practice for Letting Agents as required by the Housing (Scotland) Act 2014 (“the 2014 Act”), determines unanimously that;

- 1. SPS Ltd from 3rd June 2019 failed to comply with the Code of Practice at Paragraphs 17,18,21,27,29a)-c), 30,32a)-q),33,34,124,125 and 126, and**
- 2. It was appropriate to order the payment of compensation in respect of those breaches of the code in terms of Section 48 of the 2014 Act by SPS Ltd to the Applicant for the sum of £6000**

Reasons for the Decision

1. In terms of its decision the Tribunal determined in application reference 0241 that the Respondents had failed to comply with paragraphs 17,18,21,27,29a)-c), 30,32a)-q),33,34,40,54,65,70,96,107,110,112,121,122a)-b),126 and 130 of The Letting Agent Code of Practice (Scotland) Regulations 2016.
2. In terms of its decision the Tribunal determined in application reference 0246 that the Respondents had failed to comply with paragraphs 17,18,21,27,29a)-c), 30,32a)-q),33,34,124,125 and 126 of The Letting Agent Code of Practice (Scotland) Regulations 2016.
3. The Tribunal issued a two Letting Agency Enforcement Orders ordering the payment of compensation in respect of those breaches of the code in terms of Section 48 of the 2014 Act by the Respondent to the Applicant in application reference 0241 for the sum of £10,000 and in application reference 0246 for the sum of £6,000.
4. The Respondents and the Applicants representatives in both applications have confirmed to the Tribunal that the terms of the Orders have been complied with and the necessary sums paid. The Tribunal is satisfied the matter is now at an end and issues this certificate.

Right of Appeal

In terms of Section 46 of the Tribunal (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.

Legal Member:

A handwritten signature in black ink, appearing to be 'Genevieve'.

23 April 2021

Legal Member/Chair

Date