



29D0 Letting Agent Enforcement Order made in terms of Section 48(7) of the Housing (Scotland) Act 2014.

Chamber Reference: FTS/HPC/LA/21/2293

The Parties:

Mr John Inglis, 21 Arkleston Drive, Paisley, Renfrewshire, PA1 3EN (“the Applicant”)

R & G Financial Services Ltd, 57 Townhead, Kirkintilloch, G66 1NN (“the Respondent”)

Tribunal Members:

Lesley A Ward (Legal Member); Geraldine Wooley (Ordinary Member).

This notice shall be read in conjunction with the Decision and Statement of Reasons of today’s date and under the above reference. The tribunal determined that the respondent has failed to comply with paragraphs 20,21,24,29d),32a), 74,85,90,101.102,104 and 113 of the Letting Agent Code of Practice.

The Tribunal accordingly makes the following letting agent enforcement order:

Within 30 days of their receipt of this Letting Agent Enforcement order the respondent R & G Financial Services shall:

1. Pay the applicant the sum of five hundred pounds (£500) in respect of his inconvenience arising out of their failure to comply with the Letting Agent Code of Practice.
2. Revise their complaints procedure to make the timescale for dealing with complaints clear and unambiguous.
3. Draw up guidance to be followed by all employees and subcontractors when a property is being prepared for let, when an inventory is being prepared and when the property is being checked in and checked out. There should be a specific procedure for checking floorcoverings, appliances and fittings to ensure that any change to these items can be identified and the appropriate action can be taken with the tenant before the return of the deposit. They should consider

the use of photographs in this regard.

4. Carry out a review of their record keeping procedure to ensure that the circumstances that gave rise to this application do not occur again. This may involve them keeping a digital back up of scanned records or maintaining a paper copy in compliance with the rules regarding storage of data.
5. Ensure their terms and conditions clearly set out their procedures regarding inspection and repairs, explaining the process for dealing with deposits, damage to property, fair wear and tear and issues that may come up at the end of a tenancy. The Council of Letting Agents at the Scottish Association of Landlords provides useful guidance and documentation on these matters.
6. Provide either a digital or paper leaflet or expand their website to outline what landlords can expect from their management services both during the letting period and when the property is handed back to the landlord.
7. Provide to the Tribunal Chamber evidence of their compliance with this order.

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.

In terms of section 51(1) of the Housing (Scotland) Act 2014, a letting agent who, without reasonable excuse, fails to comply with a Letting Agent Enforcement Order commits an offence liable on summary conviction to a fine not exceeding level 3 on the standard scale.

14 February 2022

Lesley A Ward Legal Member

Date