

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/22/0038

Re: Property at Ground Floor, 14 Jackson Terrace, Aberdeen, AB24 5LP (“the Property”)

Parties:

Ms Lydia Gahr, Ground Floor, 14 Jackson Terrace, Aberdeen, AB24 5LP (“the Applicant”)

Mr James Richard Thomson, Mr Terry Mathieson, Thomson Properties Aberdeen Ltd., 2nd Floor Chattan Mews, 18 Chattan Place Aberdeen, AB10 6RD (“the Letting Agent”)

Tribunal Members:

Yvonne McKenna (Legal Member) and Angus Anderson (Ordinary Member)

Whereas in terms of their decision dated 9 May 2022 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 subsections **17, 41, 46, 85 and 86** of the Code:-

The Tribunal now requires the Letting Agent to take such steps as are necessary to rectify the failure(s) listed above.

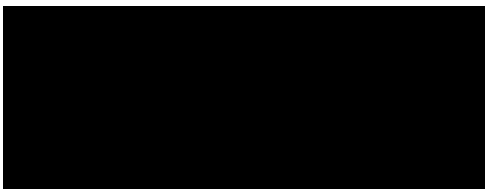
The Tribunal requires the Letting Agent to:-

- (a) Lodge with the Tribunal a written repairs and maintenance procedure that is fully compliant with the Code and includes target timescales.
- (b) Arrange for the current EPC to be affixed within the Property.
- (c) Pay to the Applicant the amount of £750 as compensation for the loss and inconvenience suffered by the Applicant as a result of the failure to comply with the Code.

The Tribunal order that the steps and payment specified in this Order must be carried out and 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.



Yvonne McKenna

Legal Member and Chair

9 May 2022 Date