

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**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”)**

**Reference number: FTS/HPC/LA/20/2125**

**26/1 Castle Terrace, Edinburgh, EH1 2EL (“the Property”)**

**The Parties:**

**Kristen Porter, 14b Picardy Place, Flat 1, Edinburgh, EH1 3JT (“the Applicant”)**

**D.J Alexander Lettings Ltd, 1 Wemyss Place, Edinburgh, EH3 6DH (“the Respondent”)**

**Tribunal Members:**

**Josephine Bonnar (Legal Member)**

**Robert Buchan (Ordinary Member)**

Whereas in terms of the decision dated 13 December 2020, 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 paragraphs 38, 90, 91 and 93 of the Code, the Tribunal now requires the Letting Agent to take such steps as are necessary to rectify the failure listed above.

The Tribunal requires the Letting Agent to: -

1. Issue a letter of apology to the Applicant for their failure to meet the standards expected of letting agents in Scotland,
2. Undertake staff training in relation to the Code and the provisions of the Housing (Scotland) Act 2006 which relate to the repairing standard, and provide evidence to the Tribunal that this has been undertaken, and
3. Pay the sum of £1770 to the Applicant, as compensation for the loss and inconvenience caused by the breaches of the Code.

The Tribunal order that the steps and payment specified in parts 1 and 3 of the Order must be carried out and completed within 28 days, and the steps specified in part 2 of the Order must be carried out and completed within three months, of 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.**

Josephine Bonnar, Legal Member:

16 December 2020