

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

Letting Agent Enforcement Order: Section 48(7) of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/LA/20/0926

Flat 10, Braal Castle, Halkirk, Caithness, KW12 6XE (“the Property”)

The Parties:-

Mr Cameron Chapman, Culbo Farm Cottage, Culbokie, Dingwall, IV7 8JX (“the Applicant”)

CCL Group Ltd t/a CCL Property, 62 High Street, Moray, IV30 1BU (“the Letting Agent”)

Tribunal Members

Ms Helen Forbes (Legal Member)

Mrs Elizabeth Williams (Ordinary Member)

Whereas, in terms of its decision of 19th October 2020, the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) has determined that the Letting Agent failed to comply with paragraphs 17, 20, 124 and 125 of the Code of Practice for Letting Agents (“the Code”) as required by the Housing (Scotland) Act 2014 (“the Act”), the Tribunal issues a Letting Agent Enforcement Order (“LAEO”) as follows:

Letting Agent Enforcement Order

1. The Letting Agent must pay to the Applicant within 21 days of the issue of this Order the sum of £640 which constitutes the two months’ rent relief agreed.
2. The Letting Agent must pay to the Applicant within 21 days of the issue of this Order the sum of £500 as compensation for the loss suffered by the Applicant due to the failures of the Letting Agent to comply with the Code.

Right 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.

Please note that, in terms of section 51(1) of the Act, a Letting Agent, who, without reasonable excuse fails to comply with a LAEO commits an offence liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Legal Member and Chairperson
19th October 2020