

# 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”)**

**Chamber Ref: FTS/HPC/LA/19/3682**

**The Parties:-**

Mrs Kathleen Wattie, 23 Rosewell Park, Aberdeen, AB15 6HT (“the Applicant”)

Stonehouse Property, Osbourne House, 27-30 Carden Place, Aberdeen, AB10 1UP (“the Respondent”)

**The Tribunal:-** Mrs Ruth O’Hare, Legal Member and Mrs Jane Heppenstall, Ordinary Member

Whereas in terms of their decision dated 17 November 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 the following aspect of the Code :

**• Paragraphs 90, 91, 112 and 113.**

the Tribunal now requires the Letting Agent to take such steps as are necessary to rectify the failures listed above.

The Tribunal requires the Letting Agent to:-

- (i) provide a clear written complaints procedures, stating how to make a complaint and including the series of steps the complaint will go through with reasonable timescales linked to those set out in any agreed terms of business. The procedure must also set out how complaints against third parties and contractors will be dealt with, any recourse to the professional or membership body the Respondent belongs to, whether there is access to alternative dispute resolution services, and the availability of a complaint to the Tribunal if they are dissatisfied with the process; and
- (ii) pay to the Applicant £100 by way of compensation for distress suffered as a result of the failure to comply with the Code.

The Tribunal orders that the actions required at (i) and (ii) must be 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.**

17 November 2020