

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Decision and Certificate of Compliance with Letting Agent Enforcement Order in terms of Section 50 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/LA/18/3416

The Parties:- Mr Roger Cooke, 28 Mountsandel Road, Coleraine, County Londonderry BT52 1JE (“Applicant”)

Factotum (Scotland) Ltd, t/a Factotum, incorporated in Scotland under the Companies Acts (Registered No. 246244), 63 Dublin Street, Edinburgh EH3 6NS (“the Respondent”)

Tribunal Members:

Mark Thorley – Legal Member

Ann MacDonald – Ordinary Member

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the tribunal’) having determined that the Letting Agents has complied with the Letting Agent Enforcement Order (“LAEO”) dated 1 April 2019 certifies that the Letting Agents complied with the LAEO. The tribunal’s decision was unanimous.

Reasons for decision

On 1 April 2019 the tribunal issued a LAEO in the following terms:

1. The Respondent should prepare for the Applicant a detailed accounting of all income and expenditure for each of the three properties from the period from the commencement of the agency agreement until conclusion.
2. The commission sought to be charged by the Respondent for 12 Broughton Street in the invoice dated 12 October 2018 should be cancelled.
3. The Respondent should repay to the Applicant all commissions paid on the three properties from 11 May 2018 until the conclusion of the contract.
4. That the Respondents should repay to the Applicant the cost of the replacement of the soiled mattresses which figures are to be established by the Respondent to the Applicant.
5. The said order and payments must be carried out and completed within a period of 28 days from the date of service of this order.

The Letting Agents have now confirmed the following:

1. A detailed accounting of all income and expenditure for each of the three properties have been submitted.
2. The commission of £220.32 on invoice no. 87950 has been removed.
3. All commissions paid on the three properties is rebated on invoice no. 90438.
4. Repayment of the cost of the mattress was rebated in accordance with invoice no. 90438.
5. The resulting credit of £424.96 was forwarded by bank transfer.

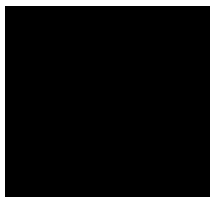
No substantive correspondence was received by the applicant in respect of the position of the respondent that all matters have been determined. Accordingly the tribunal have accepted that the LAEO has been complied with.

For all the foregoing reasons the tribunal are satisfied the LAEO has been complied with and accordingly issues this Certificate of Compliance.

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.

Legal Member: Mark Thorley



Date: 08/06/2022