

# Housing and Property Chamber First-tier Tribunal for Scotland

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**Decision and Certificate of Compliance with Letting Agent Enforcement Order in terms of Section 50(1) of the Housing (Scotland) Act 2014**

**Case Reference Number: FTS/HPC/LA/19/0018**

**The Parties:**

**Mr Aeneas Murray, residing at Boite 4, Flat 11, 1 Rue Simmons, 1060 St Gilles, Brussels, Belgium (the applicant)**

**Letslet Property Management, 5 Clerk Street, Edinburgh EH1 1TE (the respondent)**

**Tribunal: Sarah O'Neill (Chairperson); Janine Green (Ordinary Member)**

## **Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal'), having determined that the respondent has complied with the Letting Agent Enforcement Order ('LAEO') dated 28 October 2019, certifies that the respondent has complied with the LAEO.

The tribunal's decision is unanimous.

## **Reasons for decision**

1. The tribunal issued a decision to the parties on 28 October 2019. The tribunal found that the respondent had failed to comply with paragraphs 18; 32 (j); 32(l); 32 (m); 32 (o); 33; 57; 105; 106; 110; and 112 of the Letting Agent Code of Practice ('the Code') and issued a Letting Agent Enforcement Order (LAEO) on the same date.
2. The LAEO required the respondent, within 30 days of the date of service of the order to take the following steps:
  - (i) To lodge with the tribunal:
    - (a) a copy of the respondent's written terms of business and
    - (b) a copy of the respondent's written complaints policy; and
  - (ii) to pay the applicant the sum of FIVE HUNDRED POUNDS (£500) STERLING, as compensation for the loss and inconvenience caused

by the collective breaches of the Code, and to lodge written confirmation of payment thereafter with the tribunal.

3. On 29 November 2019, an email was received from the respondent's representative, enclosing a copy of the respondent's "landlord package", containing the respondent's terms of business and written complaints policy. The email also confirmed that the parties had agreed that the respondent would accept payment of £160 in settlement of the £660 owed to her by the applicant, which amounted to payment by her to the applicant of the £500 ordered by the tribunal.
4. An email was received from the applicant's representative on 5 December 2019, confirming that the payment of £500 had been made by the respondent to the applicant by means of setting this off against the £660 owed by the applicant to the respondent.
5. On the basis of the evidence before it, the tribunal is satisfied that the respondent has complied with the terms of the LAEO. It therefore issues this certificate of compliance.

### **Rights 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.**

.....Date.....13/12/19.....

**Sarah O'Neill, Chairperson**