

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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### **Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber)**

**In an Application under section 48 of the Housing (Scotland) Act 2014**

**by**

**Jane Dyer, The Oak Barn, Ryleys Lane, Alderley Edge, Cheshire SK9 7UX (“the Applicant”)**

**Donna Hanlon-Clark (otherwise Donna Hanlon), Burnbank Farm, Hamilton ML3 7XP (“the Respondent”)**

**Re: 10 Weirs Gate, Strathaven ML10 6LD; 20 Weirs Gate, Strathaven ML10 6LD and 22a Dunlop Street, Strathaven ML10 6LA  
 (“the Properties”)**

**Chamber Ref: FTS/HPC/LA/19/3694**

#### **Tribunal Members:**

John McHugh (Chairman) and Mary Lyden (Ordinary (Housing) Member).

#### **Decision**

**The Tribunal hereby determines that the Letting Agent Enforcement Order has not been complied with.**

The decision is unanimous.

#### **Reasons for Decision**

The Tribunal issued a Letting Agent Enforcement Order (“LAEO”) on 27 October 2020 in the following terms:

"Within 31 days of the date of the communication to the Respondent of this letting agent enforcement order, the Respondent Ltd must:

1 Pay to the Applicant the sum of £4000.

2 Confirm in writing to the office of the Tribunal that step 1 above has been carried out."

In terms of section 50(1) of the 2014 Act, the Tribunal may review whether the Respondent has complied with the LAEO.

The Tribunal gave consideration to the extent to which the LAEO had been complied with.

The Applicant has provided written confirmation to the Tribunal that the payment has not been made but that the Respondent has paid instalments totalling £400. The Respondent has not offered any information to the contrary.

The Tribunal hereby finds that the LAEO has not been complied with.

### **Appeals**

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.

**Signed**

**Date 19 January 2021**

**JOHN M MCHUGH**

**Chairperson**