



Decision and Certificate of Compliance with Letting Agent Enforcement Order (LAEO) under section 50(1) of the Housing (Scotland) Act 2014 (“the Act”)

Reference number: FTS/HPC/LA/22/4178

The Parties:

Mr Lyn Liu, Flat 9, Room 3, Tweed House, Morgan Lane, Edinburgh, EH8 8FP, per Ms Rona Munro, The Advice Place, Edinburgh University Students’ Association, King’s Building House, Potterrow, 5/2 Bristo Square Edinburgh EH8 9AL (“the Applicant”)

Solutions and Letting Management Ltd, incorporated under the Companies Acts, (company number SC687174) having its registered office at 21 Craigmillar Park, Edinburgh, EH16 5PE (“the Respondents”)

Tribunal Members

Mrs Aileen Devanny (Chamber President)

Mrs Frances Wood (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (“the Tribunal”) has determined that the Respondents have complied with the Letting Agent Enforcement Order (“LAEO”) dated 6th June 2023.

Reasons for Decision

1. In terms of a decision dated 6th June 2023, the Tribunal determined that the Respondents, as letting agent for a property at 21A Craigmillar Park, Edinburgh, had breached section 43 of the Letting Agent Code of Practice (Scotland) Regulations 2016 (“the Code”) and determined to make a Letting Agent Enforcement Order (LAEO).

The Tribunal issued a LAEO dated 6th June 2023 against the Respondents as follows:

Within 2 weeks of the communication to the Respondents of the Letting Agent Enforcement Order, the Respondents shall pay to the Applicant the sum of THREE THOUSAND NINE HUNDRED AND FOUR Pounds (£3904).

2. By email dated 20th June 2023, the Respondents informed the Tribunal that payment had been made by bank transfer to the Applicant's bank. Evidence of the transfer of funds from the Respondents' bank was provided which showed that a sum of £3904 had transferred into an account in the name of Runlin Lui with details of the bank sort code and account number.

3. On 12 July 2023 an email communication was sent to the representative of the Applicant, Ms Rona Munro, by the Tribunal seeking confirmation that the payment in terms of the LAEO had been received. No response was received by the Tribunal.

4. On 20 October 2023 the Tribunal wrote by email to the Appellant and to Ms Munro stating that the Respondents had sent evidence of a bank transfer of £3904.00 on 20 June 2023 to a specified account in the name of Runlin Liu. This communication provided a copy of the communication sent by email to Ms Munro on 12 July 2023 and stated that it would be assumed after 10 days of the date of the message that there had been payment and satisfaction of the LAEO, unless the Appellant or Ms Munro wrote to the Tribunal to challenge this within this time period. No response has been received and the time limit given for a response has now passed.

5. In the circumstances, the Tribunal are satisfied the payment of £3904 has been paid to the Applicant and the LAEO has been complied with. The Decision of the Tribunal is unanimous.

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.

Aileen Devanny

Chamber President

5 November 2023