



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 49 of the Housing (Scotland) Act 2014 (Act) and the Rules of Procedure 2017 (contained in Schedule 1 of the Chamber Procedure Regulations 2017 (SSI No.328)) (Rules)

Reference number: FTS/HPC/LA/23/0516

Date Order was granted 29 August 2023

Parties:

**Mr Neil Alexander, Miss Hannah Moore (Applicant)
Cluny Estate Agent (Respondent)**

Tribunal Members:

Alan Strain (Legal Member) and Angus Anderson (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (the Tribunal) determined that the Respondent has complied with the Letting Agent Enforcement Order (LAEO) made on 29 August 2023.

Background

Whereas in terms of their decision dated 29 August 2023, The First-tier Tribunal for Scotland (Housing and Property Chamber) (**Tribunal**) determined that the Respondent has failed to comply with paragraphs 21, 74, 84, 90, 91 and 93 of the Code of Practice for Letting Agents (**Code**) as required by the Act and issued the LAEO of the same date requiring:-

- 1. The Respondent to pay to the Applicant the sum of £500 by way of compensation; and**
- 2. The Respondent to provide written procedures for dealing with repairs and the management of access to keys to Properties under their management.**

The Applicant and Respondent have confirmed payment of the compensation and the Respondent has submitted that there has been compliance with the LAEO in all respects. The Tribunal asked the Applicant to confirm full compliance but the Applicant failed to respond.

Reasons

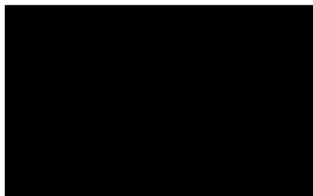


The Tribunal considered that there had been compliance with the LAEO under reference to the information produced by the Parties in response to the LAEO. It also appeared that payment of the relevant compensation had been made.

The Decision of the Tribunal was unanimous.

Right of Appeal

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: 29 November 2023

Legal Member: Alan Strain