

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/23/1061

**Re: Property at 5 Rattray Terrace, Lochgelly, Fife,
("the Property")**

Parties:

James Connolly, 7 Constable Drive, Littleover, Derby, DE23 6EP ("the Applicant")

Premiere Rentals Fife Ltd, 189 Commercial Street, Kirkcaldy, Fife, KY1 2HS ("the Respondents")

Tribunal Members: Melanie Barbour (Legal Member) and Sandra Brydon (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal'), having determined that the Letting Agent has complied with the Letting Agent Enforcement Order ('LAEO') dated 8 November 2023, now certifies that the Letting Agent has complied with the said LAEO. The tribunal's decision is unanimous.

Reasons for decision

1. The tribunal issued a decision to the parties on 8 November 2023. The tribunal found that the Letting Agent had failed to comply with paragraphs 18, 26, 98, 99 and 119 of the Letting Agent Code of Practice under Section 46 of the Housing (Scotland) Act 2014 and issued a Letting Agent Enforcement Order (LAEO) on the same date. The respondent had 28 days from service of the order to comply with its terms.

2. The LAEO required the Letting Agent, to do the following :

The Letting Agent must provide the applicant :

1. *Check-in and check-out report for the first tenancy ending in December 2019 together with any photographs that they hold for that tenancy.*
2. *Any quotes and estimates they hold for the remedial and maintenance works proposed for the first tenancy.*

3. *Check-in and check-out report for the second tenancy ending in June 2021 together with any photographs that they hold for that tenancy.*
4. *Any quotes and estimates they hold for the remedial and maintenance works proposed for the second tenancy.*
5. *A written explanation to the applicant explaining when the rent holidays and waivers took place and confirming the total amount of rent that was agreed to be waived by the applicant. An explanation of the rent account and how it shows rent paid, owed and where rent holidays and waivers are shown on the account, and if not an explanation as to why they are not shown.*
6. *Pay compensation of £200 for the inconvenience caused by the failure to provide requested reports and lack of information about the end of the tenancy process.*

Such steps to be carried out within 28 days of service of this Order.

3. On 17 November 2023 the respondent wrote to the Tribunal attaching copies of the documents she had been requested to provide to the applicant in terms of the LAEO. The supporting photographs were also attached on a google link. She had also requested that the applicant provide his bank details in order to pay the compensation, this part had not therefore been completed. The LAEO provided that the letting agent had to pay £200 compensation to the applicant.
4. On 21 December 2023 the letting agent submitted the compliance check letter. It advised that the letting agent had in their opinion complied with the LAEO. She noted that she had not been able to pay the compensation as the applicant had not provided his bank details to her.
5. On 8 January 2024, the tribunal requested the letting agent send a cheque to the applicant to comply with the compensation part of the LAEO. She complied with this request and produced evidence of the cheque, accompanying letter and proof of postage to the tribunal on 10 January 2024.
6. The applicant did not respond to the compliance check request letter issued to him by the tribunal.

7. On the basis of the evidence before it, the tribunal is satisfied that the Letting Agent 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.

..... Chairperson

MELANIE BARBOUR

22 January 2024 Date