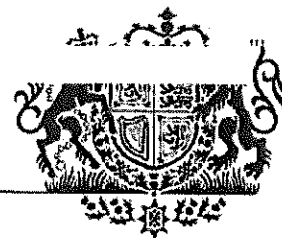


**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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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**

Chamber Ref: FTS/HPC/LA/19/2143

**The Parties:-**

**Mr Jan Michael Ward, 64/2 Hamilton Place, Edinburgh, EH3 5AZ ("the Applicant")**

**Shanley Lettings, 2/5 Drumsheugh Gardens, Edinburgh, EH3 7QJ ("the Respondent")**

**Tribunal Members:**

**Shirley Evans (Legal Member) and  
Angus Lamont (Ordinary Member)**

**Decision**

1. 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 16 October 2019, certifies that the Respondent has complied with the LAEO.
2. The Tribunal's decision is unanimous.

**Reasons for decision**

1. The Tribunal issued a decision to the parties dated 16 October 2019. The Tribunal found the Respondent had failed to comply with the Letting Agent Code of Practice ("the Code of Practice") and in particular paragraphs 19, 26, 38 and 82 and issued a LAEO dated the same date.

2. The LAEO required the Respondent within 14 days from the date of service of the order to –
  - i. Pay the Applicant £300 as compensation for the inconvenience suffered by the Applicant.
  - ii. Provide the Tribunal with a written note of procedure confirming appropriate systems are in place to ensure the giving of notice to tenants for access and how the Respondent will manage landlords who chose to be responsible for maintenance and repair to ensure they also give sufficient notice and that the Respondent is kept informed as to the progress of repairs where instructed directly by landlords.
  - iii. Provide the Tribunal with a written note of procedure confirming appropriate systems are in place to ensure information on adverts is complete and accurate. This should include a procedure for review of adverts.
  - iv. Provide the Tribunal with an undertaking the Respondent will comply with the Complaint's Procedure and that she will ensure her responses under that are clear, full, unambiguous and accurate.
  
3. The Tribunal's Decision and LAEO were duly intimated by the Tribunal's administration. On 10 November 2019, the Tribunal received an email from the Respondent seeking leave to appeal the decision of the Tribunal to issue a LAEO. Leave to appeal was refused by the Tribunal on 26 November 2019. The Respondent then applied to the Upper Tribunal for leave to appeal. The Respondent subsequently withdrew her application on 31 December 2019 and stated she wished to comply with the LAEO.
  
4. On 31 December 2019 the Respondent sent payment of £300 to the Applicant. The Applicant subsequently acknowledged payment had been made. On 24 January 2020 the Tribunal emailed the Respondent to remind the Respondent required to lodge various items to comply with the LAEO.
  
5. On 25 January 2020 an email was received from the Respondent with a copy of the Respondent's updated Marketing Procedure and an undertaking that the Respondent would review and check all adverts before becoming live on any platform and that the Respondent would also comply with her own Complaints' Procedure.
  
6. The Respondent also advised the Tribunal on 25 January 2020 that the Respondent had updated the management contract to reflect the up to date information to Landlords relating to the timescales for visiting any property occupied by a tenant. The Respondent also advised it had written to landlords to keep the Respondent informed in relation to any progress for repairs that landlords were arranging themselves and that tenants were kept informed of matters.
  
7. On review, the Tribunal noted the Respondent did not provide the Tribunal with a written note of the procedure she had put in place to comply with part ii) of the LAEO. In the circumstances the Tribunal emailed the Respondent on 17 February 2020 to extend the time for compliance to 21 February 2020.

8. On 20 February 2020 the Respondent emailed the Tribunal to seek an extension to comply to March 2020. The Respondent included an amended management agreement but not a written note of the procedures to comply with paragraph ii) of the LAEO.
9. On 26 February 2020 the Tribunal emailed the Respondent to state the Tribunal expected full compliance of the LAEO by 2 March 2020 and to be provided with the Respondent's written procedure. The Tribunal made it clear it expected to see a separate written procedure to the management agreement to reflect how the Respondent would deal with the situation where a Landlord wanted to instruct their own repairs and how the Respondent would ensure it was kept advised of progress or not, how the Respondent would ensure tenants were kept informed of developments or delays and how the Respondent would manage the situation where there were complaints about the repairs if the Landlord was instructing the repairs.
10. On 1 March 2020, an email was received from the Respondent attaching the Respondent's Repairs and Maintenance Procedure.
11. The Tribunal reviewed whether the Respondent had fully complied with the LAEO on the basis of the evidence before it. The Tribunal is satisfied that the Respondent has complied with the terms of the LAEO. The Tribunal unanimously agrees the Respondent has fully complied with the LAEO and 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 seek permission to appeal within 30 days of the date the decision was sent to them.**

**Legal Member and Chair**

**Date: 7 March 2020**