

Housing and Property Chamber First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

Decision and Certificate of Compliance Letting Agent Enforcement Order in terms of Section 50 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/LA/2909

The Parties:-

Mr Slawomir Radon and Mrs Iwona Radon 18 Cuthbert Place Kilmarnock “the Applicants”)

Murphy Scoular 22/24 John Finnie Street Kilmarnock (the letting agent and “the Respondent”)

Tribunal Members:-

**Jan A Todd Chairing and Legal Member
Elizabeth Williams Ordinary Member (Housing)**

This order should be read in conjunction with the tribunal’s decision and Letting Agent Enforcement Order of 25th January 2019

Decision

The tribunal is of the view that the Respondent has fully complied with the order dated.

The tribunal’s decision is unanimous.

Reasons for Decision

Subsequent to the tribunal’s decision dated, 25th January 2019 on the same date the tribunal issued a Letting Agent Enforcement Order (LAEO) in the following terms:-

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The Tribunal requires the Letting Agent to:-

1. To advise all their tenants and landlords by letter addressed and sent to each landlord and tenant with whom they have dealings, of the existence of the Letting Agent Code of Practice and to advise them that if requested, a copy of the Code of Practice will be sent to any such tenant or landlord.

2. To provide documentary evidence of the Respondent's compliance with the above Letting Agent Enforcement Order by sending such evidence to the office of the First Tier Tribunal (Housing and Property Chamber) by recorded delivery post.
3. The Tribunal orders that the steps specified in this Order must be carried out and completed within the period of 28 days from the date of service of this Order.

The decision and order were issued to the parties.

Subsequently, by letter dated 18th February 2019, the Tribunal received from the Respondent copies of 264 letters sent from the Respondent by second class post all dated 13th February 2019 to the tenants and landlords with whom the Respondent deals with, (with full names redacted) confirming that the letting agent code had come into force and offering to provide a copy of said code if asked.

The tribunal has taken account of the said documentary evidence provided by the Respondent. The tribunal unanimously agrees that the Respondent has complied with the order.

The tribunal certifies that the Respondent has complied with the LAEO.

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.

Jan Todd

Legal and Chairing Member

25/2/19 Date