

# Housing and Property Chamber First-tier Tribunal for Scotland



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

### 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/19/1194

#### The Parties:-

Miss Gabriela Farasheva, 1/1, 25 Eriboll Street, Glasgow G22 6NZ and Miss Shivani Shirbhate, 1/2 74 Highburgh Road, Glasgow G20 8JR  
("the Applicant")

Tay Letting Limited, 8 Eagle Street, Craighall Business Park, Glasgow G4 9XA  
("the Letting Agents")

#### 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 22 July 2019, certifies that the Letting agent has complied with the LAEO.

The Tribunal's decision is unanimous.

#### Reasons for Decision

1. The Tribunal issued a decision to parties on 22 July 2019. The Tribunal found that the Letting Agent had failed to comply with paragraphs 17 and 18 of the Letting Agent Code of Practice ("the Code") and issued a Letting Agent Enforcement Order ("LAEO") on the same date.
2. The LAEO required the Letting Agent to do the following:-
  - 1) Pay to each applicant the amount of £25.50, as compensation for the loss suffered by each applicant as a result of the failure to comply with the Code.
3. The Tribunal then wrote to both parties on 30 August 2019 asking them to confirm whether they agreed that the actions required by the LAEO had been completed. The Letting Agents returned a response form dated 16 September 2019 confirming a refund of £25.50 had been made to each applicant. The First Applicant by response form dated 2 September 2019 agreed that the actions required by the LAEO had been completed.

4. 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.

G Harding

Chairperson

3 October 2019 Date