

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Case Reference Number: FTS/HPC/LA/19/0158

The Parties:

Mrs Helen Richardson, 51 Cormorant Avenue, Houston PA6 7LG (“the Applicant”)

Lind Letting, 1 Kirkinner Place, Main Street, Bridge of Weir PA11 3AA (“the Respondent”)

Tribunal members:

Neil Kinnear (Legal Member) and Elizabeth Currie (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 27th March 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 the parties on 27th March 2019. The Tribunal found that the Letting Agent had failed to comply with paragraphs 26, 112 and 113 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, within 18 working days of the date of service of the order to do the following:
 - 1) Send a letter to the Applicant acknowledging receipt of her written complaint within three working days from the date of service of this Order;
 - 2) Investigate the Applicant's complaint and send a formal written outcome of its investigation within fifteen working days of sending the acknowledgement letter;

- 3) Comply with paragraph 113 of the Letting Agent Code of Practice by setting out in its written complaints procedure how it will handle complaints against contractors and third parties.
3. Evidence received that LAEO has been complied with
 - 1) Letter from the Respondent to the Applicant dated 3rd April 2019 acknowledging receipt of her written complaint, and enclosing a copy of its written complaints procedure which sets out how it will handle complaints against contractors and third parties.
 - 2) Letter from the Respondent to the Applicant dated 23rd April 2019 containing formal written outcome of its investigation.
 4. The Tribunal then wrote to both parties, asking them to confirm whether they agreed that the actions required by the LAEO had been completed. Neither party responded to indicate that the actions had not been completed.
 5. 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

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 **N Kinnear**

Neil Kinnear, Legal Member

9th May 2019