

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 (LAEO) under section 50(1) of the Housing (Scotland) Act 2014 (Act)

Chamber Ref: FTS/HPC/LA/20/1895

Lyleston, 44 Robert Street, Stonehaven, AB39 2DJ (“the Property”)

The Parties:-

Mr Roger Clarke, Mrs Carolyn Clarke, The Red House, Dean Lane, Cookham Dean, SL6 9BD (“the Applicant”)

Aberdein Considine, 5-9 Bon Accord Crescent, Aberdeen, AB11 6DN (“the Letting Agent”)

Tribunal Members

Ms Helen Forbes (Legal Member)

Mrs Elizabeth Williams (Ordinary Member)

Decision

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (Tribunal) having determined that the Letting Agent has complied with the Letting Agent Enforcement Order (“LAEO”) dated 25th November 2020, hereby certifies that the Letting Agent has complied with the LAEO.

Reasons for Decision

2. In terms of their decision dated 25th November 2020, the Tribunal determined that the Letting Agent had failed to comply with paragraphs 21, 27, 85, 90 and 93 of the Code of Practice for Letting Agents (“the Code”) as required by the Act. The Tribunal issued a LAEO on 10th December 2020 ordering the following:
 1. The Letting Agent must write to the Applicants within 21 days of the issue of this Order to apologise for its failures to comply with the Code.
 2. The Letting Agent must pay to the Applicant within 21 days of the issue of this Order the sum of £600 as compensation for the inconvenience

and stress suffered by the Applicants due to the failures of the Letting Agent to comply with the Code.

3. By email dated 22nd December 2020, the Letting Agent informed the Tribunal that the LAEO had been complied with on 21st December 2020.
4. By email dated 29th December 2020, the Applicants confirmed that the actions required by the LAEO had been complied with, but asserted that the LAEO had not been complied with timeously.
5. The Tribunal determined that the LAEO had been complied with timeously, within 21 days of issue of the decision. The Decision of the Tribunal was unanimous.

Right 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.

7th January 2021