

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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**Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber)**

**In respect of an Application under Section 48(7) of the Housing (Scotland) Act 2014 (“the 2014 Act”)**

**Reference number: FTS/HPC/LA/20/2187**

**The Property: 25/6 Milton Street, Edinburgh, EH8 8HA (“the Property”)**

**The Parties: Miss Laurie Donald, 7 Broom Crescent, Falkirk, FK1 5RE (“the Applicant”) and**

**Mr David Donald, 7 Broom Crescent, Falkirk, FK1 5RE (Applicant’s Representative); and**

**Silver Lining Apartments Ltd, 25 Home Street, Edinburgh, EH3 9JR. Company Number SC460505 (“the Respondent”)**

**Tribunal Members:**

**G. McWilliams (Legal Member) and M. Scott (Ordinary Member)**

### **Decision**

**The Tribunal hereby determines that a Letting Agent Enforcement Order (“LAEO”) has not been complied with.**

The decision is unanimous.

### **Reasons for Decision**

1. The Tribunal issued an LAEO on 24<sup>th</sup> February 2021 in the following terms:

“The Tribunal requires the Respondent to: -

1. Issue a letter of apology to the Applicant for their failure to meet the standards expected of letting agents in Scotland, and breaches of the Code.

2. Undertake staff training in relation to the Code, specifically letting agents' obligations in terms of the Code, and provide evidence to the Tribunal that this has been undertaken, and

3. Pay the sum of £925 to the Applicant as compensation for monies due to the Applicant, and in respect of inconvenience suffered by her, following the Respondent's breaches of the parties' agreement and of various requirements of the Code.

The Tribunal order that the actions and payment specified in parts 1 and 3 of this LAEO must be carried out and completed within 28 days of the date of issue of this LAEO to the parties. The action specified in part 2 of this LAEO must be carried out and completed, and this should be confirmed and evidenced to the Tribunal, within three months of the date of issue of this LAEO."

2. In terms of Section 50(1) of the 2014 Act the Tribunal may review whether or not the Respondent has complied with the LAEO. The Applicant has provided the Tribunal with written confirmation that actions and payment specified in parts 1, 2 and 3 of the LAEO have not been effected. The Respondent did not take part in these proceedings prior to issue of the LAEO. The Respondent contacted the Tribunal's office by email on 24<sup>th</sup> February 2021 and advised that their company had been under new management since October 2020. The Tribunal has not heard further from the Respondent.

3. In the circumstances the Tribunal finds that the LAEO has not been complied with.

### **Appeal**

**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.**

### **Note**

**Please note that in terms of section 51(1) of the 2014 Act, a letting agent who, without reasonable excuse, fails to comply with an LAEO, commits an offence liable on summary conviction to a fine not exceeding level 3 on the standard scale.**