

Housing and Property Chamber  
First-tier Tribunal for Scotland

---



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

**Certificate of Compliance with the Letting Agent Enforcement Order in terms of the Housing (Scotland) Act 2014 (“The Act”)**

**Reference Number: FTS/HPC/LA/21/1561**

**Parties:**

Jacob Webber, 3F1 91 Comely Bank Road, Edinburgh, EH4 1BJ (“**the Applicant**”)

Braemore, Orchard Brae House, 30 Queensferry Road, Edinburgh, EH4 2HS (“**the Respondents**”)

**Karen Kirk (Legal Member) and Carol Jones (Ordinary Member)**

**Decision**

1. The First-tier Tribunal for Scotland ( Housing and Property Chamber) (‘the Tribunal’) having determined that the Respondent has complied with the Letting Agent Enforcement Order (‘LAEO’) dated 2<sup>nd</sup> November 2021 , certifies that the Respondent has complied with the LAEO.
2. The Tribunal’s decision is unanimous.

**Reasons for Decision**

1. The Tribunal in terms of the decision dated 2<sup>nd</sup> November 2021 determined that the Letting Agent has failed to comply with the Letting Agent Code of Practice (“The Code”) and in particular that the Letting Agent had failed to comply with paragraphs 21,26, 71, 90, 91, 93 and 108 of the Code and issued a LAEO of the same date.
2. The LAEO required the Letting Agent to:
  1. ***Pay the sum of £1492.50 to the Applicant, as compensation for the loss and inconvenience caused by the numerous breaches of the Code, and***

- 2. Reply substantively to the Applicant's formal complaint to them directly of 1<sup>st</sup> April 2021 within 21 days of receipt of the Tribunals decision paperwork and to confirm to the Tribunal that this step has been taken.**
- 3. The Tribunal was in terms of part 1 of the LAEO advised by parties that payment had been made by the Respondent to the applicant in the sum specified.**
- 4. The Tribunal in terms of part 2 of the LAEO was sent a copy of the reply to the Applicant's formal complaint of 1<sup>st</sup> April 2021 sent by the Respondent to the Applicant in compliance with the LAEO.**
- 5. The Tribunal reviewed whether the Respondent had fully complied with the terms of the LAEO on the basis of the evidence before it and also representations provided by the Applicant who was not satisfied with the terms of the letter sent in compliance with the terms of the LAEO at part 2. The Tribunal understands that the Applicant may not agree with the terms of the reply but consider that the reply itself constitutes a substantive reply as sought in terms of part 2 of the LAEO. Accordingly the Tribunal unanimously holds that the LAEO has been complied with and therefore issues this certificate of compliance.**

**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.**

**Legal Member \_\_\_\_\_**