

Housing and Property Chamber First-tier Tribunal for Scotland



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

Letting Agent Enforcement Order (LAEO): Section 48(7) of the Housing (Scotland) Act 2014 ("The Act")

Chamber Ref: FTS/HPC/LA/19/2336

Parties

Mr Gary Kirkwood, 39 Burns Wynd, Stonehouse, Lanarkshire ML9 3DU ("the Applicant")

and

Hanlon Clark Lettings Limited, incorporated in Scotland (SC475658) and having their Registered Office at 8 Main Street, Strathaven, Lanarkshire ML10 6AJ ("the Respondents")

Tribunal Members: George Clark (Legal Member) and Mary Lyden (Ordinary Member)

Whereas in terms of its decision dated 3 December 2019, The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') 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 has failed to comply with Paragraphs 17, 19, 26, 33, 37, 65, 66, 101, 105, 108, 109, 124 and 125 of the Code:-

The Tribunal requires the Letting Agent to Pay to the Applicant the amount of £645 as compensation for the loss suffered by the Applicant as a result of the failure to comply with the Code.

The Tribunal orders that the payment specified in this Order must be carried out and completed within the period of 7 days from the last date on which its Decision may be appealed.

This Order is Warrant for all lawful execution thereon.

Right of 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.

Please note that in terms of section 51(1) of the 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.

George Clark
Legal Member and Chair
Date: 3 December 2019