

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/21/0670

Parties:

Ms Susanne Neil, 18/7/Falcon Avenue, Edinburgh, EH10 4AJ (“the Applicant”)

Ben Property, 3 Manor Place, Edinburgh EH3 7DH, Registered Letting Agent Registration Number 1809028 (“the Respondent”)

Tribunal Members :

Valerie Bremner (Legal Member) and Nick Allan (Ordinary Member)

Whereas in terms of their decision dated 29 October 2021 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 25,90,91 and 93 of the Code.

The Tribunal now requires the Letting Agent to take such steps as are necessary to rectify the failures in the paragraphs of the Code listed above.

The Tribunal requires the Letting Agent to : -

1. Pay the Applicant the sum of THREE HUNDRED POUNDS (£300) within 6 weeks of the date of receipt of this order as compensation for the stress and inconvenience suffered as a result of the failure of the Respondent to comply with each of paragraphs 90,91 and 93 of the Code, said sum comprising £100 for each of the three code paragraph breaches referred to above.

2. Lodge with the Tribunal within 6 weeks of receipt of this order a document setting out their procedures and staff training for dealing with repairs reported as required by tenants of properties where they act as letting agents, from the first report of the repair to its completion. This document should include procedures where staff identify a repair as communal and what training staff are given on how to recognise when a repair is communal.

The Tribunal orders that the steps and payment specified in this order must be carried out and completed within the period of 6 weeks from the date of receipt of this order.

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 S51(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.

Legal Member and Chair

Date : 29th October 2021