

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/18/2388

Re:3 Crown Street, Flat 2/1, Greenock, PA15 1NN (“the Property”)

The Parties: -

Mr. Ian Homer, 28 Craighead Road, Bishopton, PA7 5DT (“the Applicant”)

White Letting Limited, company number SC239955, 7 Hood Street, Clarence House, Greenock, PA15 1YH (“the Letting Agent”)

Mr Mark Brysland, 7 Hood Street, Clarence House, Greenock, PA15 1YH (“the Letting Agent’s Representative”)

Letting Agent Registration Number: Not known

**Tribunal Members:
Susan Christie (Legal Member and Chair)**

Elizabeth Currie (Ordinary Member)

Whereas in terms of their Decision dated 16 January 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 the following aspects of the Code:

Paragraphs 124, 127 and 132.

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

The Tribunal requires the Letting Agent to:-

1. Lodge with the Tribunal a written Procedure for handling client money, including within it reference to the procedure and steps to be taken in obtaining prior authorisation from a Landlord before making deductions from

Deposits taken and deposited or managed by the Letting Agent, that is fully compliant with the terms of the Code and which also complies with the Company, Limited Liability Partnership and Business (Names and Trading Disclosures) Regulations 2015, section 24;

2. Lodge with the Tribunal a written Debt Recovery Procedure of the Letting Agent that is fully compliant with the terms of the Code and which also complies with the Company, Limited Liability Partnership and Business (Names and Trading Disclosures) Regulations 2015, section 24;
3. Lodge with the Tribunal a copy of the summary of the Certificate of Professional Indemnity Insurance AXA AB CPI 4155458 or such other relevant certificate in force;
4. Pay to the Applicant the amount of Three Hundred and Ten Pounds Sterling (£310), as compensation for the loss suffered by the Applicant as a result of the failures to comply with the Code.

The Tribunal order that the steps and payment specified in this Order must be carried out and completed within the period of **six weeks** from the date of service 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 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.

Susan Christie

Legal Member and Chair

16 January 2019 Date