



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

Certificate of Compliance with a Letting Agent Enforcement Order in terms 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)

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 29th October 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 their decision dated 29th October 2021 determined that the Respondent had failed to comply with Paragraphs 25,90,91 and 93 of the Letting Agent Code of Practice made under the Letting Agent Code of Practice (Scotland) Regulations 2016.The Tribunal issued a LAEO of the same date.

2.The LAEO required the Letting Agent to: -

1.Pay the Applicant the sum of THREE HUNDRED POUNDS (£300) within 6 weeks of the date of receipt of the 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 in the order.

2. Lodge with the Tribunal within 6 weeks of receipt of the 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.

3.The Tribunal in terms of part 1 of the LAEO was 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 copies of repair and maintenance procedure documents and details of relevant training courses booked for the Respondent's staff to attend. Confirmation was later received that staff had attended this training.

5.The Tribunal considers that the information provided by the Respondent addresses the issues raised in part 2 of the LAEO.

6.The Tribunal 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 and Chair

Date : 28th March 2022