

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)
LETTING AGENT ENFORCEMENT ORDER
Compliance Decision under Section 50(1) of the Housing (Scotland) Act 2014 (“the Act”)

Chamber Ref: FTS/HPC/LA/20/2082

Re: Property at The Manse Kirk of the Holy Rood, Bowhouse Road, Grangemouth FK3 0EX (“the Property”)

Parties:

Mr Mory Marcel Sangare and Mrs Zelda Sandrine Mozez residing at 60, Glentyne Drive, Tullibody, FK10 2UR (“the Applicants”) and Belvoir Falkirk, 38 Vicar Street, Falkirk, FK1 1JB (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member)
Ahsan Khan (Ordinary Member)

Decision of the Tribunal

The Tribunal having determined that the Letting Agent Enforcement Order (LAEO) dated 2 March 2021 has been complied with certifies that the Respondents have complied with the LAEO.

Background

1. By application received between 29 September 2020 and 22 December 2020 (“the Application”), the Applicants made an application to the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Chamber”) for a determination in terms of Section 48(1) of the Act that the Respondent had failed to comply with the Letting Agent Code of Practice (“the Code”) as defined by Section 46 of the Act and as set out in The Letting Agent (Registration and Code of Practice) (Scotland) (Miscellaneous Amendments) Regulations 2017.
2. Following a Hearing on 26 February 2021, the Tribunal found the Respondents had failed to comply with the Letting Agent Code of Practice (“the Code”) at Section 2 of the Code at paragraphs 16 and 19 and imposed the following LAEO :

“No later than Wednesday 31 March 2021

- 1. The Respondent at its own cost must provide to the Tribunal written or documentary evidence that the Respondent has amended its procedures to ensure that it provides all tenants who receive a notice to leave of their legal rights of the effect of that notice and*
- 2. The Respondent must pay the sum of £200.00 in compensation to the Applicants and must provide the Tribunal with written or documentary evidence that it has done so.”*

Further Procedure.

3. By email received by the Tribunal on 1 April 2021, the Respondent confirmed to the Tribunal's satisfaction that the said LAEO had been complied with.

Decision of the Tribunal

4. Having received satisfactory evidence of compliance, the Tribunal confirms that the said LAEO has been complied with and confirms that no further cation is required.

Right of Appeal

In terms of section 46 of the Tribunals (Scotland) Act 2014, 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.

Karen Moore, Chairperson 15 April 2021