



**Letting Agent Enforcement Order (LAEO) in terms of Section 48 of the Housing (Scotland) Act 2014 (the Act)**

**Chamber Ref: FTS/HPC/LA/18/2909**

**Parties:**

**Mr Slawomir Radon and Mrs Iwona Radon 18 Cuthbert Place Kilmarnock “the Applicants”)**

**Murphy Scoular 22/24 John Finnie Street Kilmarnock (the letting agent and “the Respondent”)**

**Tribunal Members:**

**Jan Todd, Chairing and Legal Member and Elizabeth Williams, Ordinary Member**

Whereas in terms of their decision dated 25<sup>th</sup> 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 aspect of the Code:-

Section 110 of the Code.

The Tribunal now requires the Letting Agent to take such steps as are necessary to rectify the failure(s) listed above.

The Tribunal requires the Letting Agent to:-

1. To advise all their tenants and landlords by letter addressed and sent to each landlord and tenant with whom they have dealings, of the existence of the Letting Agent Code of Practice and to advise them that if requested, a copy of the Code of Practice will be sent to any such tenant or landlord.
2. To provide documentary evidence of the Respondent’s compliance with the above Letting Agent Enforcement Order by sending such evidence to the office of the First Tier Tribunal (Housing and Property Chamber) by recorded delivery post.

3. The Tribunal orders that the steps specified in this Order must be carried out and completed within the period of 28 days 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.**

J Todd

**Chairing and Legal Member**

**25<sup>th</sup> January 2019**