

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/19/1289

Regarding: 5 3F2 Livingstone Place, Marchmont, Edinburgh, EH9 1PB (“the Property”)

The Parties:-

Miss Lila Pitcher and Mr Shane O’Neill, 38/6 Montpelier Park, Edinburgh, EH10 4NH (“the Applicants”)

Belvoir Edinburgh, 28-28A Dundas Street, Edinburgh, EH3 6JN (“the Respondent”)

Tribunal Members:

Yvonne McKenna (Legal Member and Chair)

Elizabeth Currie (Ordinary Member)

Whereas in terms of their decision dated 16th November 2019, the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent has failed to comply with the Letting Agent Code of Practice (“The Code”) and in particular that the Respondent has failed to comply with the following aspects of the Code;-

Paragraphs 16,17,19,26,85,91,93,97,100,101,103 and 108

The Tribunal now requires the Respondent to; -

1. Pay to the Applicants the sum of £2000 (being £1000 to each Applicant as an individual), as compensation for the significant distress, stress and inconvenience caused by the Respondent’s conduct in breach of the Code.
2. Issue a formal written apology to the Applicants in respect of the Respondent’s failure to comply with the above-mentioned paragraphs of the Code.
3. Provide documentary evidence to the Tribunal of its compliance with the above by sending such evidence to the office of the Tribunal by e-mail or by recorded delivery post.
4. To lodge with the Tribunal a written complaints procedure that is fully compliant with the terms of the Code.

5. To lodge with the Tribunal a written procedure for bringing the tenancy to an end that is fully compliant with the Code.

6. Undertake staff training to ensure that all staff members are aware of the terms of the Respondent's procedures in relation to the Code in ending the tenancy, dealing with complaints and enquiries and dealing with maintenance and repair issues raised by tenants. Thereafter to provide the Tribunal with evidence of the staff training which has been carried out.

The Tribunal order that the steps and payment specified in this Order under paragraphs 1 to 6 inclusive must be carried out and completed within the period of 30 days from the date of service of this LAEO and the Tribunal written decision.

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.

✓ Yvonne McKenna Legal Member and Chair

16th November 2019 Date