

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 2014 Act”)

Reference number: FTS/HPC/LA/20/2187

The Property: 25/6 Milton Street, Edinburgh, EH8 8HA (“the Property”)

The Parties: Miss Laurie Donald, 7 Broom Crescent, Falkirk, FK1 5RE (“the Applicant”) and

Mr David Donald, 7 Broom Crescent, Falkirk, FK1 5RE (Applicant’s Representative); and

Silver Linings Apartments Ltd, 25 Home Street, Edinburgh, EH3 9JR (“the Respondent”)

Tribunal Members:

G. McWilliams (Legal Member) and M. Scott (Ordinary Member)

Whereas in terms of the Decision dated 18th January 2021, 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 requirements of Paragraphs 16, 17, 19, 26, 43, 45, 46, 68, 107, 108 and 110 of the Code, the Tribunal now makes this LAEO and requires the Respondent to take the following steps to rectify their failures.

The Tribunal requires the Respondent to: -

1. Issue a letter of apology to the Applicant for their failure to meet the standards expected of letting agents in Scotland, and breaches of the Code.

2. Undertake staff training in relation to the Code, specifically letting agents' obligations in terms of the Code, and provide evidence to the Tribunal that this has been undertaken, and

3. Pay the sum of £925 to the Applicant as compensation for monies due to the Applicant, and in respect of inconvenience suffered by her, following the Respondent's breaches of the parties' agreement and of various requirements of the Code.

The Tribunal order that the actions and payment specified in parts 1 and 3 of this LAEO must be carried out and completed within 28 days of the date of issue of this LAEO to the parties. The action specified in part 2 of this LAEO must be carried out and completed, and this should be confirmed and evidenced to the Tribunal, within three months of the date of issue of this LAEO.

Appeal

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.

Note

Please note that in terms of section 51(1) of the 2014 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.

G McWilliams Legal Member

18th January 2021