

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

Housing and Property Chamber

First-tier Tribunal for Scotland



Letting Agent Enforcement Order (LAEO): Section 48(7) of the Housing (Scotland) Act 2014 ("The Act")

Chamber Ref: FTS/HPC/LA/18/3267

The Parties:-

**Mr Dominic Harbourne, 12 Lanhill View, Chippenham, Wiltshire SN14 6XS
("the Applicant")**

**Donna Hanlon trading as Hanlon Clark, 10 Main Street, Strathaven ML10 6AJ
("the Letting Agent")**

Letting Agent Registration Number: Not Registered

Tribunal Members:

Rory Cowan (Legal Member and Chair)

James Battye (Ordinary Member)

Whereas in terms of their decision dated 16 May 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 aspects of the Code :-

Paragraphs 17, 18, 20, 21, 26, 32, 33, 37a), 107, 108, 110, 112, 120, 121, 124 and 125 of The Code.

The Tribunal now requires the Letting Agent to take such steps as are necessary to rectify the failures listed above.

The Tribunal requires the Letting Agent to:-

1. Lodge with the Tribunal a copy of the Letting Agent's written procedures for the following:
 - a) Collecting and handling rent on the behalf of landlords;
 - b) The handling of complaints;
 - c) The handling of client money; and

- d) Debt recovery.
2. Lodge with the Tribunal a style terms of business for the Letting Agent's Letting Agency Work which compiles with the all current legislative requirements including those set out in the Letting Agent Code of Practice.
 3. Write to the Applicant setting out to him all the required information as detailed in paragraph 37(a) of the Letting Agent Code of Practice. A copy of the letter so sent should be lodged with the Tribunal administration.
 4. Deliver to the Applicant all property of his they hold (and provide written confirmation of the date and manner of delivery to Tribunal administration) including principal documents relative to the Applicant's property at 40 Logan Street, Glasgow G72 0NS, as follows:
 - a) Any Tenancy Agreement relative to that property;
 - b) Any gas safety certificates for that property
 - c) Any Electrical Installation Condition Reports (including Portable Appliance Tests) for that property.
 - d) Legionella Risk Assessments relative to that Property
 5. Pay to the Applicant the amount of £2,952.50, as compensation for the loss suffered by the Applicant as a result of the failure to comply with the Code.

The Tribunal order that the steps and payment specified in this Order must be carried out and completed within the period of 21 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.

R Cowan

Legal Member and Chair

16 May 2019 _____ Date