

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**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/19/2350**

**5D Northburn Avenue, Airdrie, ML6 6PY**

**("the First House")**

**1/2, 170 Duror Street, Glasgow, G32 1NA**

**("the Second House")**

**2/1, 6 Ratho Drive, Glasgow, G32 1NA**

**("the Third House")**

**1/2, 14 Memel Street, Glasgow, G21 1LL**

**("the Fourth House")**

**(collectively "the Houses")**

**The Parties:-**

**Fiona Mairi Taylor, 57F Drumbathie Mansions, Drumbathie Road, Airdrie, ML6 6EW**

**("the Applicant")**

**CPM Glasgow Ltd, 180 Drumoyne Road, Glasgow, G51 4DX**

**("the Letting Agent")**

**Letting Agent Registration Number: Pending**

**Tribunal Members:**

**Joel Conn (Legal Member and Chair)**

**Leslie Forrest (Ordinary Member)**

Whereas in terms of their decision dated 23 September 2020, 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 :-

*Paragraph Failure*

74 If you carry out routine visits/inspections, you must record any issues identified and bring these to the tenant's and landlord's attention where appropriate.

75 Breaches of the tenancy agreement must be dealt with promptly and

appropriately and in line with the tenancy agreement and your agreement with the landlord.

- 118        You must have robust and transparent written procedures for handling client money.
- 125        You must pay or repay client money as soon as there is no longer any need to retain that money. Unless agreed otherwise in writing by the client, you should where feasible credit interest earned on any client account to the appropriate client.

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:-

*in respect of the failure to comply with paragraph 118:*

- a.    Provide evidence that it complies, and its client accounts comply, with the requirements of paragraphs 121, 122 and 126 of the Letting Agent Code of Practice, which, without prejudice to the foregoing generality, shall include:
  - i.     correspondence from its bank confirming the adequacy of the client account(s) held by the Letting Agent in the above regard;
  - ii.    correspondence or bank statements from such a bank giving the bank account numbers of such account(s);
  - iii.   evidence that funds collected on behalf of the Applicant is held in such account(s); and
  - iv.    evidence of any client money protection insurance policy held by you covering the periods from December 2018 until February 2020;

*in respect of the failure to comply with paragraph 125:*

- b.    Provide an accounting to the Applicant in regard to any rental payment received in regard to the Third House for December 2018, and remits to the Applicant any balance due; and
- c.    Provide an accounting to the Applicant in regard to any rental payment received in regard to the Third House for February 2020, and remits to the Applicant any balance due;

and otherwise continues consideration of whether any compensation is due to the Applicant as a result of failure to comply with the Code in regard to this Order and the previous Order of 6 November 2019.

The Tribunal orders that the steps specified in this Order must be carried out and completed within the period of 14 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.**

\_\_\_\_\_ Legal Member and Chair

23 September 2020

\_\_\_\_\_ Date