

# 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/19/2553**

**7/1 The Metropole, 85 Dunlop Street, Glasgow G1 4ET  
("The Property")**

**The Parties:-**

**Mr Gary Kelway and Mrs Jacqueline Kelway, 7/1 The Metropole, 85 Dunlop Street, Glasgow G1 4ET  
("the Applicants")**

**Plan (Borders) Limited trading as Martin & Co Glasgow City, 9 Canal Street, Paisley, Renfrewshire PA1 2HD  
("the Letting Agent")**

**Letting Agent Registration Number: LARN1903016**

**Tribunal Members:**

**Graham Harding (Legal Member and Chair)**

**Gerard Darroch (Ordinary Member)**

1. Whereas in terms of their decision dated 10 November 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:-

- **Section 2, paragraphs 18 and 19**
- **Section 5, paragraph 80**
- **Section 6, paragraphs 98, 99, 102 and 106**

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:-

- A. pay to the Applicants within 14 days:-
  - i. £1047.95 being the rent due by the tenants from 27 February 2019 to 15 March 2019;
  - ii. £500.00 in respect of the delay worry and inconvenience suffered by the Applicants.
- B. Return to the Applicants any keys and fobs for the property currently in their possession within 14 days.
- C. Provide the Applicants and the Tribunal within 14 days a copy of its written procedures for managing the ending of the tenancy as required by paragraph 98 of the Code of Practice.

**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

12 November 2019 Date