

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

# **Housing and Property Chamber First-tier Tribunal for Scotland**



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 49 of the Housing (Scotland) Act 2014 (the 2014 Act) and the Rules of Procedure 2017 (contained in Schedule 1 of the Chamber Procedure Regulations 2017 (SSI No. 328)) (the 2017 Rules)**

**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)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (the Tribunal) determined that the Respondent has complied with the Letting Agent Enforcement Order (LAEO) made on 16<sup>TH</sup> November 2019**

**Background**

Whereas in terms of their decision dated 16<sup>th</sup> November 2019, The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the Tribunal’) determined that the Letting Agent had failed to comply with the Letting Agent Code of Practice (‘The Code’) and issued the LAEO of the same requiring the Respondent to within 30 days of the date of service of the LAEO :-

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 Respondents 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 Respondent has submitted that there has been compliance with the LAEO. The Applicants have confirmed receipt of the compensation amounts ordered to be paid by the Tribunal. In addition, the Applicants acknowledged that an apology had been received.

Furthermore, the Respondent has provided the Tribunal with a written complaints procedure and a written procedure for bringing the tenancy to an end which have been circulated to the Applicants. In addition, the Respondents have provided evidence that they have undertaken staff training on the matters specified in the LAEO which has also been copied over to the Applicants.

## **Reasons**

The Tribunal considered that there had been compliance with the LAEO under reference to the information provided by the Respondent in response to the LAEO. It was also confirmed that payment of the relevant compensation had been made and an apology received by the Applicants.

The Decision of the Tribunal was unanimous.

## **Right of 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.**

Yvonne McKenna

Legal Member and Chair

3<sup>rd</sup> March 2020 Date