

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

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**Decision and Certificate of Compliance with Letting Agent Enforcement Order  
in terms of Section 50 of the Housing (Scotland) Act 2014**

**Chamber Ref: FTS/HPC/LA/18/3079**

**Re: Property at 88 Hospital Street, Coatbridge, ML5 4DW ("the Property")**

**Parties:**

**Mr William Queen, 2D Raebog Crescent, Airdrie, ML6 6SL ("the Applicant")**

**Excel Sales and Lettings, 26 Cadzow Street, Hamilton, ML3 6DG ("the  
Respondent")**

**Tribunal Members:**

**Andrew Upton (Legal Member) and David Fotheringham (Ordinary Member)**

**Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal"), having determined that the Letting Agent has complied with the Letting Agent Enforcement Order ("LAEO") dated 6 February 2019 certifies that the Letting Agent has complied with the LAEO.

The tribunal's decision is unanimous.

**Reasons for Decision**

1. The Tribunal issued a decision to the parties on 6 February 2019. The Tribunal found that the Letting Agent had failed to comply with paragraphs 70, 90, 91, 93, 94 and 110 of the Letting Agent Code of Practice ("the Code") and issued a LAEO on the same date.
2. The LAEO required the Letting Agent, within 28 days of the date of service of the order to vary its repairs procedures to require that:-
  - a. Attempts are made within two days of all non-emergency repairs being intimated to the Respondent to arrange for contractor attendance;

- b. The Respondent provided updated information to the tenant at every stage of the repairs process on the progress of the repair, including information on the timescales for completion;
  - c. Where any delay to carrying out a repair occurs, the Respondent must immediately advise both the tenant and the landlord of the stated reason for that delay; and
  - d. A process for checking all work carried out by contractors and pursuing contractors to remedy defects in inadequate work is included.
3. On 5 March 2019, the Respondent wrote to the Tribunal with a copy of its repairs procedures as updated to reflect the LAEO.
4. The Tribunal then wrote to both parties, asking them to confirm whether they agreed that the actions required by the LAEO had been completed. The Respondent responded on 8 March 2019 confirming that it did. The Applicant did not respond.
5. On the basis of the evidence before it, the Tribunal is satisfied that the Respondent has complied with the terms of the LAEO. It therefore issues this certificate of compliance.

### **Right of Appeal**

In terms of section 46 of the Tribunals (Scotland) Act 2014, 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

A Upton

Legal Member /

12 APRIL 2019  
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Date