

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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**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**

**Chamber Ref: FTS/HPC/LA/19/1919**

### **Parties**

**Mr Samuel Harris, sometime residing at Flat 4, 6 Thistle Street, Kirkintilloch,  
Glasgow G66 1NU and now at 5 Waterloo Gardens, Kirkintilloch, Glasgow G66  
2HH (“the Applicant”)**

**and**

**R & G Properties, having a place of business at 57 Townhead, Kirkintilloch,  
Glasgow G66 1NN (“the Respondents”)**

**Tribunal Members: George Clark (Legal Member) and Gerard Darroch  
(Ordinary Member)**

### **Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that the Respondents had complied with the Letting  
Agent Enforcement Order made on 28 August 2019 and revoked the Order.**

### **Background**

On 28 August 2019, the Tribunal made a Letting Agent Enforcement Order against the Respondents in respect of their failure to comply with the Letting Agent Code of Practice. The Order required them to pay to the Applicant the sum of £100 by way of compensation.

On 11 September 2019, the Respondents advised the Tribunal that they had sent a cheque for £100 to the Applicant on 6 September and, on 3 October 2019, the Applicant's representatives, Citizens Advice East Dunbartonshire, confirmed that he had received it.

### **Reasons for the Decision**

The Tribunal was satisfied that the Respondents had complied with the Order, which should, therefore, be revoked in terms of Section 49 of the Housing (Scotland) Act 2014.

The Decision of the Tribunal was unanimous.

### **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.**

**Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.**

**George Clark**

Legal Member

14 October 2019