

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



STATEMENT OF DECISION TO SERVE A NOTICE OF FAILURE TO COMPLY WITH A LETTING AGENT ENFORCEMENT ORDER ON THE SCOTTISH MINISTERS UNDER SECTION 50(2) OF THE HOUSING (SCOTLAND) ACT 2014

Chamber File Reference number: FTS/HPC/LA/18/2917

Parties:

**Paterson United Free Church, c/o 1 McEwan's Way, Stonehouse, ML9 3NP
(Applicant)**

**Donna Hanlon trading as Hanlon Clark, 8 Main Street, Strathaven, ML10 6AJ
(Respondent)**

Tribunal Members:

Alison Kelly (Legal Member) and Gerard Darroch (Ordinary Member)

On 11th February 2019, the First-tier Tribunal for Scotland Housing and Property Chamber ("the Tribunal") issued a Letting Agent Enforcement Order ("the Order") on the Respondents in respect of a failure to comply with the Letting Agent Code of Practice, made under the Letting Agent Code of Practice (Scotland) Regulations 2016

The Order contained the following provisions:

Within one month of the communication to the Respondents of this Letting Agents Enforcement Order, the Respondents shall:

1. To lodge with the Tribunal evidence to show that she has made application to the Letting Agents Register;
2. To pay the Applicant the sum of £2859 in respect of rent and deposit owed to them;
3. To pay the Applicants the sum of £2438 in compensation for the loss suffered as a result of the said failures;

REPRESENTATIONS FROM PARTIES

The Applicants have confirmed that no sum has been received from the Respondent.

REASONS FOR THE DECISION

The Respondent has not complied with the order.

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.

Please note that in terms of Section 51(1) of the Act, a Letting Agent who, without reasonable excuse, fails to comply with a Letting Agent Enforcement Order commits an offence liable on summary conviction to a fine not exceeding level 3 on the standard scale.

A Kelly

Signed:.....

Date..... 16/4/19.....

ALISON KELLY

Chairperson & Legal Member