

Housing and Property Chamber First-tier Tribunal for Scotland



**Statement of Reasons for Decision of the First-tier Tribunal for Scotland
Housing and Property Chamber (“the Tribunal”) made under Section
49(2) of the Housing (Scotland) Act 2014**

Chamber Ref: FTS/HPC/LA/18/1283

Parties

**Mr Andrew Davies, sometime residing at 1H, 5 Cuparstone Court,
Aberdeen AB10 6FB (“the Applicant”)**

And

**Corporate Accommodation Ltd, incorporated under the Companies Act
(SC567902), having its Registered Office at Templars House, South
Deeside Road, Maryculter, Aberdeen AB12 5GB, and trading as AM-PM
Leasing, having a place of business at 441 Union Street, Aberdeen AB11
6DA (“the Respondents”)**

**Tribunal Members: George Clark (Legal Member) and Mrs Helen Barclay
(Ordinary Member)**

**The Tribunal determined that the Respondent has complied with the
Letting Agent Enforcement Order Notice dated 28 August 2018 and that
the Order should be revoked.**

Reasons for Decision

On 28 August 2018, the Tribunal made a Letting Agent Enforcement Order (“the Order”), requiring the Respondent to pay to the Applicant the sum of £150. The Decision was not appealed and the Tribunal issued Order Compliance Check letters to the Parties on 19 October 2018. The Applicant responded on 19 October 2018 that he had not received any payment from the Respondents. The Respondents e-mailed the Tribunal on 23 October, seemingly under the impression that the payment which the Tribunal had ordered was reimbursement of rent for a period when it had been determined the Applicant could not use the Property, implying that it was not payable by them. The Tribunal e-mailed the Respondents on 23 October 2018, to confirm that the payment ordered was compensation for loss suffered by the Applicant as a result of the Respondents’ failure to comply with the Letting Agent Code of Practice and was payable by the Respondents. The Respondents did not thereafter confirm that the sum due had been paid. Accordingly, the Tribunal determined on 14 November 2018 that the Respondents had failed to comply

with the Order and that, in terms of Section 50(2) of the Housing (Scotland) Act 2014, the Tribunal was required to give notice of such failure to Scottish Ministers.

On 22 November 2018, before the Tribunal had notified Scottish Ministers as it had determined to do on 14 November 2018, the Applicant confirmed to the Tribunal that he had now received payment from the Respondents of the sum of £150. The Tribunal considered, therefore, that as this meant that the Order had been complied with, it was no longer necessary or appropriate to intimate a failure to Scottish Ministers.

The Tribunal determined that the Respondent has complied with the Letting Agent Enforcement Order made on 28 August 2018 and that, in terms of Section 49(2) of the Housing(Scotland) Act 2014, it was no longer necessary and should be revoked.

George Clark

Signed:

9 January 2019

George Clark, (Legal member/Chair)