



**Statement of Reasons for Decision of the First-tier Tribunal for Scotland
Housing and Property Chamber (“the Tribunal”) made under Section 50(2) of
the Housing (Scotland) Act 2014**

Chamber Ref: FTS/HPC/LA/19/1402

Re: Property at 11A Thomson Street, Strathaven (“the Property”)

Parties:

**Gillian Banford, 18 Dunavon Crescent, Strathaven, Lanarkshire, ML10 6HB
 (“the Applicant”)**

**Hanlon Clark Properties, 8 Main Street, Strathaven, Lanarkshire, ML10 6AJ
 (“the Respondent”)**

**The Tribunal determined that the Letting Agent has failed to comply with the
Letting Agent Enforcement Order dated 20 August 2019 and that, in terms of
Section 50(2) of the Housing (Scotland) Act 2014, Notice of the Failure should
be given to the Scottish Ministers.**

Reasons for Decision

1. On 20 August 2019 the Tribunal made a Letting Agent Enforcement Order, requiring the Respondent to (a) complete a rent reconciliation in respect of the tenant (Tenant 2) who moved out of the property in May 2018 and provide a copy of the said rent reconciliation to the Tribunal and the Applicant; (b) pay the Applicant the sum of £57.66 in respect of rent owed to the Applicant; (c) pay to the Applicant the sum of £34.60 in respect of a management fee; and (d) pay to the Applicant the sum of £600.00 in compensation for the inconvenience suffered by the Applicant as a result of the failures of the letting agent to discharge their obligations in accordance with the Letting Agents Code of Practice from 31 January 2018 until the Applicant ceased using the Respondents as her letting agent in March 2019. Such steps to be carried out within 30 days of service of the Order.
2. The Decision was not appealed and the Tribunal issued Order Compliance Check Letters to the Parties.
3. The Applicant responded on 7 October 2019 that she had not received any correspondence or payment from the Respondent.

4. On 4 October 2019 the Respondent sent an email to the Tribunal advising that she did not know what the decision was that she required to comply with or what the case was regarding. She further stated that the letter had been addressed to Hanlon Clark Properties and addressed to her. She advised that she *“was a director of Hanlon Clark Properties limited company number SC516589 dissolved 13th November 2018 I am currently a director of Hanlon Clark Lettings Limited company number SC475658 still active but i am no longer trading. I am unsure which company this relates to but I have never conducted letting business as a sole trader only as a limited company if this relates to Hanlon Clark Properties Limited then the company has now been dissolved, if it is in relation to Hanlon Clark Lettings Limited this company is no longer trading.”*
5. By letter dated 13 October 2019 the Applicant advised the Tribunal that she had never been informed by the Respondent that they were a limited company, which had been dissolved on 13 November 2018. She further attached a copy email received from “Hanlon Clark Properties” dated 22 February 2019.
6. Accordingly, based on the evidence provided by the Applicant, the Tribunal determined that the Respondent has 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.

Melanie Barbour Legal Member

Date: 4 November 2019