

# **Housing and Property Chamber**

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



**Decision and Certificate of Compliance with Letting Agent Enforcement Order  
in terms of Section 50(1) of the Housing (Scotland) Act 2014**

**Chamber Ref: FTS/HPC/LA/19/1975**

### **The Parties:-**

**Mrs Sukhvinder Latif, 80/5 Craighouse Gardens, Edinburgh, EH10 5LW  
("the Applicant")**

**Craigflower Lettings Limited, a limited company (number SC30437036) having  
its registered office at Ashley Terrace, Edinburgh, EH11 1RE  
("the Respondent")**

### **Tribunal Members:**

**Susanne L M Tanner QC (Legal Member)  
Helen Barclay (Ordinary Member)**

### **Decision**

- 1. The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal'), having determined that the respondent has complied with the Letting Agent Enforcement Order ('LAEO') dated 17 December 2019, certifies that the Respondent has complied with the LAEO.**
- 2. The tribunal's decision is unanimous.**

### **Reasons for decision**

- 1. The tribunal issued a decision to the parties dated 17 December 2019. The tribunal found that the Respondent had failed to comply with the Letting Agent Code of Practice ("the Code of Practice"), in particular Section 2, paragraphs 17, and 18; Section 4, paragraph 65, Section 5, paragraph 74, and Section 6, paragraphs 102 and 104 and issued a Letting Agent Enforcement Order ("LAEO") dated the same date.**

2. The LAEO required the Respondent, within 7 days of the date of intimation of the order to take the following steps:
  - a. Pay to the Applicant the sum of £550 in cleared funds, comprising:
    - i. £500 in respect of a percentage of the management fee paid by the Applicant to the Respondent;
    - ii. £50 in respect of a contribution towards the cost of moth treatment paid by the Applicant; and
  - b. provide documentary evidence to the tribunal of said payment.
3. The tribunal's Decision and LAEO were intimated by the tribunal's administration to parties on 23 December 2019.
4. On 6 January 2020, an email was received from the Respondent, confirming that payment of £550 had been made to the Applicant, attaching a screenshot of a faster payment to the Applicant with the case reference for the Application, on 3 January 2020. The Respondent stated that the payment was made the next working day after the LAEO was intimated, as the office had thereafter been closed for the festive period. The Respondent stated that the Applicant had acknowledged receipt of the payment.
5. On 29 January 2020, the tribunal issued compliance check forms to both parties asking them to return them by 12 February 2020.
6. On 3 February 2020, an email was received from the Applicant, attaching the completed compliance check form which stated she agreed that the actions in the LAEO have been completed and that she does not want the tribunal to consider a variation or revocation of the LAEO.
7. The tribunal reviewed whether the Respondent has complied with the LAEO on the basis of the evidence before it and the tribunal is satisfied that the Respondent has complied with the terms of the LAEO. It therefore issues this certificate of compliance.

## **Rights 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.

Date 5 February 2020

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**Susanne L. M. Tanner Q.C.**  
**Legal member and Chair**

