



Statement of Decision to Serve a Notice of Failure to Comply with a Letting Agent Enforcement Order on the Scottish Ministers Under S50(2) of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/LA/19/0948

Parties:

Mr Jose Manuel Gomez Gonzalez, 13 Hoggan Way, Loanhead, EH20 9DG ("the Applicant")

Belvoir Edinburgh, 28-28A Dundas Street, Edinburgh, EH3 6JN ("the Respondent")

Letting Agent Registration Number :SC486014

Tribunal Members:

Valerie Bremner (Legal Member) and Melanie Booth (Ordinary Member)

On 26th July 2019 the First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the Respondent has failed to comply with the Letting Agent Code of Practice("The Code") and issued a Letting Agent Enforcement Order (The Order) to the Letting Agent in respect of that failure.

The Order contained the following provisions and required the Letting Agent, within 30 days of receipt of the Order, to:

1. Lodge with the Tribunal a copy of the Respondent's written procedures for the following:

- (a) The handling of complaints
- (b) The handling of repairs

2. Pay to the Applicant the sum of £2100 by way of compensation for losses incurred as a result of such failures.

Representations From the Parties

The Applicant by Representations dated 12 October 2019 has confirmed that the Letting Agent has made payment of the sums due in terms of the Order. The Tribunal has received no written procedures from the Letting Agent as required by the Order and the Letting Agent has made no representations.

Reason For the Decision

On the basis of evidence before it, The Tribunal is satisfied that the Letting Agent has failed to comply with part of the Order in that there has been a failure to lodge written documentation required by the Order. It therefore in terms of Section 50(3) of the Housing (Scotland) Act 2014, makes a notification to the Scottish Ministers of that failure.

Right of Appeal

In terms of Section 46 of the Tribunal (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 Housing (Scotland) Act 2014, a Letting Agent who, without reasonable excuse fails to comply with an LAEO commits an offence liable on summary conviction to a fine not exceeding level 3 on the standard scale.

21st October 2019

Legal Member/Chair

Date