

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

Decision and Certificate of Compliance with Letting Agent Enforcement Order (“LAEO”) under section 50(1) of the Housing (Scotland) Act 2014 (“the 2014 Act”)

Chamber Ref: FTS/HPC/LA/22/3257

Re: Property at Flat 2/1, 1152 Argyle Street, Glasgow, G3 8TE (“the Property”)

Parties:

Mr Andrew Murray, Flat 2/1, 1152 Argyle Street, Glasgow, G3 8TE (“the Applicant”)

Zone Lettings (Glasgow) Ltd, 33 Lynedoch Street, Glasgow, G3 6AA (“the Respondent”)

The Tribunal comprised:-

Mrs Ruth O’Hare - Legal Member
Mr David Godfrey - Ordinary Member

Decision

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 20 April 2023, hereby certifies that the Respondent has complied with the LAEO.

Background

- 1 In terms of its decision dated 20 April 2023, and subsequently reviewed on 25 August 2023, the Tribunal determined that the Respondent had failed to comply with paragraphs 90, 91 and 93 of the Code of Practice for Letting Agents (“the Code”) as required by the 2014 Act. The Tribunal therefore issued a LAEO requiring the Respondent to make payment to the Applicant by way of compensation the sum of £250.
- 2 The Applicant subsequently appealed the decision to the Upper Tribunal for Scotland. In terms of its decision dated 21 March 2024 the Upper Tribunal refused the appeal. On 29 April 2024 the Tribunal wrote to the parties requesting their views on whether the LAEO had been complied with.

- 3 By email dated 2 May 2024 the Respondent confirmed that a payment of £250 had been made to the Applicant. In support of this the Respondent provided a screenshot evidencing the transaction.
- 4 No representations were received from the Applicant in response to the Tribunal's correspondence of 29 April 2024.
- 5 Based on the evidence provided by the Respondent in their email of 2 May 2024 the Tribunal was satisfied that the LAEO had been complied with. The Applicant had provided no representations seeking to contradict the Respondent's position in this regard.
- 6 The Tribunal therefore determined that the LAEO had been complied with. The decision of the Tribunal was unanimous.

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.

Legal Member/Chair

Date 29 May 2024