

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Case Reference Number: FTS/HPC/LA/18/3008

The Parties:

Rashid Ahmed, 7 Oakwood Park, Deans, Livingston, EH54 8AW (“the Applicant”)

CPM Edinburgh, 78 Newington Road, Edinburgh, EH9 1QN (“the Respondent”)

Tribunal members: Melanie Barbour (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal'), having determined that the Letting Agent has complied with the Letting Agent Enforcement Order ('LAEO') dated 6 January 2020, certifies that the Letting Agent has complied with the LAEO.

The tribunal's decision is unanimous.

Reasons for decision

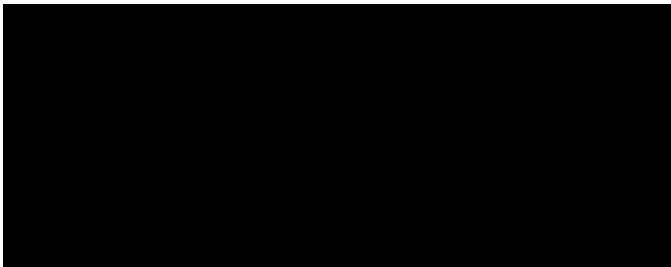
1. The tribunal issued a decision to the parties on 17 September 2019. The tribunal found that the Letting Agent had failed to comply with paragraphs 120, 124 and 125 of the Letting Agent Code of Practice ('the Code') and issued a Letting Agent Enforcement Order (LAEO) on the same date. The respondent had 30 days from service of the order to comply with its terms. The respondent sought a review of this decision, the review request was granted, and the review was upheld in part, amending the period of compliance to until 31 January 2020.
2. The LAEO required the Letting Agent, to do the following on or before 31 January 2020:
 - a. To pay to the Applicant the sums deducted for expenses from rent paid for July and August 2018 totalling £1388.49
 - b. To pay to the Applicant the sums due in relation to unpaid rent owed to the Applicant totalling £1162.80; and
 - c. To pay to the Applicant the sum of £2500.00 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 his letting agent in August 2018.

3. On 9 April 2020, the tribunal wrote to both parties, asking them to confirm whether they agreed that the actions required by the LAEO had been completed. Both parties responded, confirming that the actions had been completed.
4. On the basis of the evidence before it, the tribunal is satisfied that the Letting Agent 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.



Chairperson

MELANIE BARBOUR

14 April 2020